

1 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

2 -----x

15-CR-95 (WFK)

3 UNITED STATES OF AMERICA,

United States Courthouse
Brooklyn, New York

4 Plaintiff,

5 -against-

September 16, 2019
9:30 a.m.

6 DILKHAYOT KASIMOV,

7 Defendant.

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9 TRANSCRIPT OF CRIMINAL CAUSE FOR JURY SELECTION
10 BEFORE THE HONORABLE WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE

11 APPEARANCES

12 For the Government:

UNITED STATES ATTORNEY'S OFFICE
Eastern District of New York
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Brooklyn, New York 11201
BY: DOUGLAS M. PRAVDA, AUSA
DAVID K. KESSLER, AUSA
MATTHEW HAGGANS, AUSA

17 For the Defendant:

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BY: ELIZABETH E. MACEDONIO, ESQ.

KELLEY J. SHARKEY
26 Court Street - Suite 2805
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BY: KELLEY J. SHARKEY, ESQ.

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New York, New York 10279
BY: ABRAHAM RUBERT-SCHEWEL, ESQ.

1 APPEARANCES (Continued)

2
3
4 Also Present: ERIKA LOPEZ, PARALEGAL SPECIALIST
5 SANJAR BABADJANOV, INTERPRETER
6 NODIRA MATYAKUBOVA, INTERPRETER
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20 Court Reporter: GEORGETTE K. BETTS, RPR, FCRR, CCR
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23

24 Proceedings recorded by mechanical stenography. Transcript
25 produced by computer-aided transcription.

GEORGETTE K. BETTS, RPR, FCRR, CCR
Official Court Reporter

PROCEEDINGS

1 (In open court.)

2 THE COURTROOM DEPUTY: All rise. The Honorable
3 William F. Kuntz II now presiding. Criminal cause for jury
4 trial and selection. Docket number 15-CR-95 U.S.A. versus
5 Kasimov.

6 Counsel, please state your appearances for the
7 record and spell your first and last names for the court
8 reporter including the Uzbek interpreter.

9 MR. PRAVDA: Good morning, Your Honor, Doug Pravda,
10 David Kessler and Matthew Haggans for the United States and,
11 Erica Lopez who is a paralegal at the U.S. Attorney's Office.
12 For the court reporter, Doug Pravda D-O-U-G P-R-A-V-D-A.
13 David Kessler, D-A-V-I-D K-E-S-S-L-E-R. Matthew Haggans,
14 M-A-T-T-H-E-W H-A-G-G-A-N-S. Erika Lopez, E-R-I-K-A
15 L-O-P-E-Z.

16 THE COURT: Good morning. You may be seated.

17 MR. PRAVDA: Thank you, Your Honor.

18 THE COURT: Ladies and gentlemen of the public you
19 may be seated as well.

20 MS. MACEDONIO: Good morning, Your Honor. Elizabeth
21 Macedonio. We're waiting for Kasimov to come out from the
22 back he is present here. E-L-I-Z-A-B-E-T-H M-A-C-E-D-O-N-I-O.

23 THE COURT: Good morning, Ms. Macedonio. Please be
24 seated.

25 MS. SHARKEY: Good morning, Your Honor. Kelley

PROCEEDINGS

1 Sharkey for Mr. Kasimov. K-E-L-L-E-Y S-H-A-R-K-E-Y.

2 THE COURT: Good morning, please be seated.

3 MR. RUBERT-SCHEWEL: Good morning, Your Honor,
4 Abraham A-B-R-A-H-A-M S-C-H-E-W-E-L.

5 THE COURT: Good morning, sir. Now, sir, I'm going
6 to ask you, I know you have the computer set up this way but
7 it's rude to have one's back to the jury in a jury trial so
8 I'm going to ask you to move to the other side of the table.

9 MS. SHARKEY: Can he sit at the top, Your Honor?

10 THE COURT: No.

11 MS. MACEDONIO: The bottom.

12 THE COURT: I want everyone to be facing the jury.

13 MS. SHARKEY: Okay.

14 THE COURT: Okay. Sorry about that.

15 Now, we're going to have the interpreter state and
16 spell his name and/or her name for the record because we have
17 two interpreters.

18 INTERPRETER BABADJANOV: Good morning, Judge.
19 Sanjar Babadjanov S-A-N-J-A-R B-A-B-A-D-J-A-N-O-V.

20 THE COURT: Previously sworn.

21 INTERPRETER BABADJANOV: Yes, correct.

22 THE COURT: Yes, thank you. Good morning.

23 INTERPRETER MATYAKUBOVA: Good morning. Nodira
24 Matyakubova. N-O-D-I-R-A M-A-T-Y-A-K-U-B-O-V-A.

25 THE COURT: Thank you. Good morning, you may be

PROCEEDINGS

1 seated as well.

2 INTERPRETER MATYAKUBOVA: Thank you.

3 THE COURT: We have the defendant present.

4 MS. MACEDONIO: Yes, Your Honor.

5 MS. SHARKEY: Yes, Your Honor.

6 THE COURT: Please be seated as well, sir.

7 Now we have a couple of preliminary matters to
8 address before we address the other preliminary matters.

9 The first preliminary matter I want to address is we
10 are waiting for an additional list from the government of your
11 cooperating witnesses who may be testifying. We've not
12 received that nor has defense counsel at this time. I think
13 it would be appropriate, since I need to advise the jurors of
14 those names as well as the names that were previously
15 provided, so Mr. Pravda if you and your team would be good
16 enough to hand to Mr. Jackson that additional list of names,
17 if any, and hand it to defense counsel I will read them into
18 the record at the appropriate time when I'm reading out the
19 names of potential witnesses.

20 Do you have that, sir?

21 MR. PRAVDA: I do, Your Honor. And I will hand that
22 up to Mr. Jackson.

23 THE COURT: Yes.

24 MR. PRAVDA: For the Court's information, we have
25 also revised the witness list that we previously submitted to

PROCEEDINGS

1 reflect the witnesses that we intend to call at trial and we
2 provided a copy of this to defense counsel already.

3 THE COURT: Well, I was inclined -- why don't give
4 that list to Ms. Macedonio in the first instance, the
5 additional names.

6 MS. MACEDONIO: I've received it, Your Honor.

7 THE COURT: You have the names of the cooperating
8 witnesses?

9 MS. MACEDONIO: Yes.

10 THE COURT: Why don't you hand it up to Mr. Jackson
11 then and what I will do is simply add the names -- thank you,
12 Mr. Jackson.

13 THE COURTROOM DEPUTY: You're welcome, Judge.

14 THE COURT: -- to the list of materials that I've
15 prepared in terms of listing the witnesses for the trial.

16 MR. PRAVDA: Your Honor, if I could just clarify,
17 what we have done is this list is intended to replace the list
18 we previously provided, so it's not just the names of the two
19 cooperating witnesses. What we've done is we've streamlined
20 the prior list and removed names of individuals that we no
21 longer intend to call as witnesses. So this is the
22 government's current anticipated witness list. So this list
23 could simply substitute for the information that we previously
24 provided to the Court.

25 THE COURT: Do you have any names -- I know the

PROCEEDINGS

1 Court's designated witnesses, should the defense put on a
2 case, but do you have any names to add to the list that you've
3 now been provided by Mr. Pravda?

4 MS. MACEDONIO: No, Your Honor.

5 THE COURT: Okay. All right. We'll go with your
6 revised list of potential witnesses and that will keep the
7 process streamlined.

8 The other issue is there was a motion that came late
9 on Friday with respect to Special Agent Neas and his issues,
10 to put it at 30,000 feet. I've read the submission from the
11 government. I was curious to know if defense counsel had any
12 response to that motion.

13 MS. SHARKEY: Can we have a moment, Judge?

14 THE COURT: You can have several moments.

15 MS. MACEDONIO: Thank you.

16 MS. SHARKEY: Thank you.

17 THE COURT: You're welcome.

18 MS. MACEDONIO: We might need several.

19 THE COURT: You can have several.

20 MS. MACEDONIO: Okay, thanks.

21 (Pause in proceedings.)

22 MS. MACEDONIO: Your Honor.

23 THE COURT: Yes.

24 MS. MACEDONIO: In order to give a more better
25 thought out response to this, can we advise Your Honor of our

PROCEEDINGS

1 position after the break?

2 THE COURT: Yes.

3 MS. MACEDONIO: Thank you.

4 THE COURT: You're welcome.

5 Are there any other preliminary issues that either
6 counsel wish to raise with me before I address preliminary
7 issues that I have in addition to the ones I've just raised?

8 MR. PRAVDA: Your Honor, I just would like to note
9 for the record that we've provided copies of the government's
10 trial exhibits and the government's 3500 material both to the
11 defense and to the Court.

12 THE COURT: Yes. Thank you.

13 MR. PRAVDA: Thank you.

14 MS. MACEDONIO: We received them, Your Honor.

15 THE COURT: Thank you, Ms. Macedonio.

16 Anything else?

17 MR. PRAVDA: Nothing else from the government,
18 Judge.

19 MS. MACEDONIO: No, thank you, Judge.

20 THE COURT: All right. Now, counsel, before we
21 bring the jury pool into the courtroom I'm going to instruct
22 you as to how this Court conducts voir dire.

23 In a few minutes my courtroom deputy and law clerks
24 will bring the potential jurors into this courtroom. The
25 first 14 potential jurors will be seated in the jury box to my

PROCEEDINGS

1 right. The remaining potential jurors will be seated in
2 sequential order in the rows in the back of the courtroom. So
3 I'm now going to ask the members of the public who are here,
4 and who certainly have right to be here, to relocate
5 themselves to the far corner of the courtroom now because we
6 are going to be using this space in part for the selection of
7 the jurors. So with all due respect, move it over there.
8 Thank you. With all due respect I'm going to ask you to make
9 the very last row of the theater. And if you've left any
10 bags, materials, water bottles or anything else in that front
11 row, please remove them because we're going to be using that
12 area for jurors to sit as well.

13 I'm going to ask you to move that teleprompter
14 screen, at least for the moment, a little bit to the side
15 because we're going to have people sitting there. We can live
16 with it on the podium side here to the right, but on the left
17 side we've got to move it over.

18 MR. RUBERT-SCHEWEL: Turn it.

19 THE COURT: Closer to the wall, please because we're
20 going to have people sitting there and we don't want them
21 tripping over wires and suing the court, all that good stuff.
22 And move the box off the chairs there or whatever else you've
23 got there. Thank you.

24 Prior to entering this courtroom each potential
25 juror will be given an auctioneer style paddle with a number

PROCEEDINGS

1 on it. Each paddle states the number of each juror. A
2 potential juror's number never changes during the entire voir
3 dire process. This Court will always refer to a potential
4 juror by his or her paddle number and not by the number of his
5 or her seat. Jurors' names will not be used. This is how the
6 Court conducts voir dire in all cases.

7 As the potential jurors enter the courtroom, they
8 will be handed a jury questionnaire by one of my law clerks.
9 Each potential juror will receive the questionnaire for his or
10 her respective -- by his or her respective juror number which
11 then can be identified on the top right-hand corner of the
12 questionnaire. So juror number one will be seated there and
13 we'll have a questionnaire marked number one. Juror number
14 two will be seated next, we'll have the questionnaire that's
15 marked number two, so you'll be able to follow along.

16 When the potential jurors are all seated, the Court
17 will swear the jurors in and explain the voir dire process
18 before beginning questioning. The Court will advise the jury
19 that their names will not be used throughout the voir dire
20 process and, indeed, throughout the entirety of the trial as
21 is common practice in federal court for the names and
22 identities of the jurors to be kept confidential.

23 As the Second Circuit has noted, anonymity will ward
24 off curiosity that might infringe on a juror's privacy.
25 United States versus *Thai*, T-H-A-I, 29F.3d, 785-801 decided by

PROCEEDINGS

1 the Second Circuit in 1994.

2 After instructing the jurors on anonymity, this
3 Court will ask the potential jurors to complete in silence the
4 jury questionnaire. When all potential jurors have completed
5 that process, my law clerks will collect the completed
6 questionnaires and hand them to counsel for the government to
7 make the necessary number of copies for all parties.

8 Next -- and we'll take a brief recess at that point
9 so you can have your comfort break then. Next the Court will
10 ask the potential jurors as a whole questions about their
11 respective backgrounds, relationships, conflicts, prior jury
12 service and other relevant issues. After each question the
13 Court will ask the potential juror to raise their respective
14 paddle if the question applies to him or to her. My law
15 clerks will record these responses.

16 After the Court has finished its questioning of each
17 potential juror, each potential juror will be called to the
18 sidebar to my left, your right, for questioning outside of the
19 hearing of the other potential jurors but on the record with
20 all counsel of record in attendance. All clients will have
21 access to sidebar colloquy from the realtime transcripts
22 available to be seen while those clients and co-counsel are
23 seated at counsel table.

24 And, counsel, I want you to confirm now that your
25 realtime is working. Government is it working?

PROCEEDINGS

1 MR. HAGGANS: Yes, Your Honor.

2 THE COURT: Defense counsel is your realtime
3 working?

4 MS. MACEDONIO: It is, Your Honor.

5 THE COURT: So that your client can see it as it
6 goes forward; is that correct?

7 MS. SHARKEY: Yes, Judge.

8 THE COURT: Okay. Now, listen carefully, all
9 questioning is undertaken by the Court and the Court alone.
10 Let me say it again. All questioning of the potential jurors
11 is undertaken by the Court and the Court alone. Because this
12 is an anonymous jury, the Court will never ask potential
13 jurors their names or discuss their residences or specific
14 places of employment.

15 If an attorney believes a potential juror has not
16 mentioned an issue for which the juror previously raised his
17 or her paddle, or if an attorney has a concern about a
18 potential juror's response in light of the questionnaire
19 responses, the attorney must wait until after the potential
20 juror has left the sidebar and returned to his or her seat to
21 raise the issue with the Court outside of the presence and the
22 hearing of that potential juror.

23 After the Court has finished its questioning and
24 excused any potential jurors for cause, I will direct my
25 courtroom deputy to refill the jury box with the first 14

PROCEEDINGS

1 potential jurors who remain and we will do this in sequential
2 order. We're not going to be flipping. It will go straight
3 through.

4 As I mentioned, the Court and counsel will continue
5 to refer to the potential jurors by their paddle numbers and
6 not by their respective seat numbers. So, for example, if
7 potential juror number 23 is placed in seat number eight in
8 the jury box, he or she will be referred to as juror number 23
9 and not juror number eight. The paddle is the juror for
10 identification purposes.

11 Once the jury box is full with potential -- with the
12 36 potential jurors not excluded and excused for cause by this
13 Court, I will ask all the potential jurors in the courtroom to
14 raise their respective paddles so that the attorneys may take
15 note of their juror numbers. The attorneys will then have
16 several minutes to review their respective notes and to confer
17 with their co-counsel and their clients seated at their
18 respective counsel tables to determine how they wish to
19 exercise their peremptory challenges.

20 In this case, we have 12 jurors and four alternate
21 jurors. The government has a total of six, that is to say,
22 six peremptory challenges and the defendant has 10, that is to
23 say, 10 peremptory challenges. Each party will also be given
24 two alternate challenges. This Court will conduct six rounds
25 of peremptory challenges.

PROCEEDINGS

1 In the first round the government will exercise the
2 first challenge and the defendant will exercise the next two
3 challenges.

4 In the second round the defendant will exercise two
5 challenges followed by one challenge from the government.

6 In the third round the government will exercise the
7 first challenge and the defendant will exercise the next two
8 challenges.

9 In the fourth round the defendant will exercises two
10 challenges followed by one challenge from the government.

11 In the fifth round the government will exercise one
12 challenge followed by one challenge from the defendant.

13 In the sixth round the defendant will exercise one
14 challenge followed by one challenge from the government.

15 The Court will then hold two alternate strike
16 rounds. In alternate juror round one the defendant will issue
17 the first challenge and the government will follow with one
18 challenge. In the second alternate round the government will
19 exercise one challenge followed by one challenge from the
20 defendant.

21 By agreement with the parties, after we've completed
22 jury selection, we will adjourn for the day to resume tomorrow
23 at 9:30 a.m.

24 Now, are there any questions before we bring the
25 jury pool into the courtroom?

PROCEEDINGS

1 MS. SHARKEY: Your Honor, may I ask a question?

2 THE COURT: Let me hear from the government first.

3 Any questions?

4 MR. PRAVDA: No questions from the government, Your
5 Honor. Thank you.

6 THE COURT: Defense counsel.

7 MS. SHARKEY: Your Honor, forgive me.

8 THE COURT: You're forgiven.

9 MS. SHARKEY: Okay. Thanks. How many jurors are we
10 striking against? Are we just striking against the box?

11 THE COURT: Yes.

12 MS. SHARKEY: Thank you.

13 THE COURT: Or you can do what some lawyers have
14 done which is to strike against jurors who are outside of the
15 box for reasons that I will never understand. But we once had
16 a situation where someone struck a juror who was so far out of
17 the box we practically had to call in NASA to find where they
18 were. But, hey, like I said, anyone who has a paddle at that
19 point you can strike them if they are among the first 36,
20 which is your box, or not.

21 MS. SHARKEY: Thank you, Judge.

22 THE COURT: You're welcome. Anything else?

23 MR. HAGGANS: I'm sorry, Your Honor, just for
24 confirmation, it goes through 1 through 7, 8 through 14 in the
25 box?

PROCEEDINGS

1 THE COURT: Mr. Jackson, is that how we do it?

2 THE COURTROOM DEPUTY: One through seven, 15 at the
3 chair outside the box at the bottom. Then you have eight
4 through 14 and then 16 at the chair on top outside the box.

5 THE COURT: But the good news is you only have to
6 look at the paddles because that will tell you who the juror
7 is.

8 Because when I first became a judge and people
9 started moving around I said, I've got to keep it simple
10 because it is for me. So the paddles have worked.

11 Other questions before we bring in the jury, from
12 the government?

13 MR. KESSLER: No, Your Honor.

14 THE COURT: From defense?

15 MS. MACEDONIO: No, thank you, Judge.

16 THE COURT: Okay.

17 Remember, when the green light is on we can hear
18 you.

19 MS. MACEDONIO: Thank you.

20 (Pause in proceedings.)

21 (Prospective jurors enter the courtroom.)

22 THE COURT: Good morning. You know what? It will
23 be easier if you folks just come in. Juror number one, you
24 can sit there. Juror number two, come in, follow
25 Mr. Jackson's direction rather than climb over each other,

PROCEEDINGS

1 okay?

2 THE COURTROOM DEPUTY: Please come back this way.

3 THE COURT: Juror number three, will you head back,
4 it will make life a lot easier. And welcome, thank you for
5 your patience.

6 THE COURTROOM DEPUTY: Eight through 10 please
7 follow me. Have a seat in the first chair top row.

8 THE COURT: You may be seated counsel and parties.
9 You can sit down and members of the public.

10 Thank you, ladies and gentlemen of the jury, you can
11 start filling in those questionnaires. You should each have a
12 pen and we'll be bringing in the additional jurors.

13 THE COURTROOM DEPUTY: Jurors 11 through 16. All
14 the way down, please. Place your bags between your legs not
15 on the benches. Can you slide down a little bit more please.

16 THE COURT: I know it's a little cozy but it won't
17 be for very long, so I want to thank you for filling out the
18 forms as we wait for the rest of the jurors to be brought up.

19 Just be glad you're not sitting next to me on an
20 airplane, right.

21 THE COURTROOM DEPUTY: Juror 26 through 42 here.
22 All the way down, shoulder to shoulder. Please place your
23 bags between your legs not on the bench. All the way over
24 shoulder to shoulder.

25 If you follow me please, come all the way down.

PROCEEDINGS

1 Shoulder to shoulder. Place your bags between your legs not
2 on the bench. Shoulder to shoulder, please. Please slide
3 down.

4 All the way down, shoulder to shoulder please.
5 Thank you. All the way down. Please place the bags between
6 your legs and right against the back of the bench.

7 All the way down shoulder to shoulder. I'm sorry
8 for the closeness of the room but I don't have a choice.
9 There is a space right there for you, sir.

10 Slide down a little bit more. Thank you very much.

11 Slide all the way down. Please place your bags
12 between your legs not on the bench or against the bench. All
13 the way down shoulder to shoulder please.

14 All the way down to the end please. Place your
15 belongings between your legs not on the bench or on the back
16 of the bench. Please move all the way down shoulder to
17 shoulder. Slide down a little bit more please. Thank you.

18 All the way down shoulder to shoulder, please.
19 Thank you.

20 Slide all the way down please. Eighty-one, 82, 83,
21 84, all the way down shoulder to shoulder. Eighty-five. All
22 the way down please, shoulder to shoulder. Place your
23 belongings between your legs not on the bench.

24 All the way down please, shoulder to shoulder. One
25 more there. All the way down please, shoulder to shoulder.

PROCEEDINGS

1 Please slide down a little, thank you. Slide down.

2 All the way down, shoulder to shoulder. Place your belongings
3 between your legs. Thank you.

4 Slide all the way down, please. Please slide down,
5 shoulder to shoulder. Sir, please slide down, shoulder to
6 shoulder. Thank you. Place your belongings between your
7 legs. Please have a seat.

8 Judge, all the jurors are accounted for.

9 THE COURT: Have they all been given the
10 questionnaires?

11 THE COURTROOM DEPUTY: Absolutely.

12 THE COURT: Mr. Jackson, would you please call the
13 case and swear the jurors.

14 THE COURTROOM DEPUTY: Criminal cause for jury
15 selection and trial. Docket number 15-CR-95. U.S.A. versus
16 Kasimov.

17 Jurors, will you please stand and raise your right
18 hands.

19 You, and each of you, do solemnly swear or affirm
20 that the answers you're about to give touching upon your
21 qualifications to serve as prospective jurors in this case,
22 now before the court, shall be the truth, the whole truth and
23 nothing but the truth, so help you God.

24 THE COURT: Please say I do.

25 PROSPECTIVE JURORS: I do.

PROCEEDINGS

1 THE COURT: Please be seated, ladies and gentlemen
2 of the jury. I want to thank you very much and I wish to
3 welcome you a good afternoon. I know it's been a long day for
4 you already and we appreciate your time and your patience.

5 I want each of you to take a deep breath and to
6 relax. We're here for a very serious purpose, a purpose that
7 makes each of us proud to be citizen of this great nation,
8 that is to serve the interests of justice fairly and
9 impartially.

10 My name is William Kuntz, I am the United States
11 District Court Judge who will be trying this case with you.
12 We are now about to engage in a time-honored process referred
13 to as voir dire. This is simply the traditional way of
14 stating that we are going to ask you, the prospective members
15 of the jury panel, whether you have a problem that would
16 prevent you from serving on this jury. That is to say,
17 whether any of you should be excused from service for what we
18 judges and lawyers call for cause.

19 For example, if you were married to one of the
20 lawyers trying this case, or if you work for the Assistant
21 United States Attorney's office, or for the office of one of
22 the defense counsel that would be a for cause reason to be
23 excused from jury service. Also, we give an opportunity for
24 the attorneys on each side to excuse a certain number of
25 potential jurors without having to give any particular reason.

PROCEEDINGS

1 The Court estimates this trial will take no more
2 than two weeks beginning today, meaning this week and next
3 week, Monday through Friday. We will start the trial today.
4 We will meet each weekday after that from 9:30 a.m. until
5 5 p.m. The trial concludes at 5 p.m. each day at 5 p.m.
6 sharply.

7 If that timetable presents a problem for any of you,
8 I will ask you in a few minutes to raise your paddle and we
9 will discuss it individually with the lawyers over here to my
10 left, straight ahead at what we call the sidebar. And I want
11 to emphasize that we will be discussing it here with the
12 lawyers in private. We are not here to embarrass anyone.
13 This is the real world and we know that each and every one of
14 you has something else to do, some place else to be, a job,
15 family responsibilities, children we get that and we are
16 solicitous of and grateful for your service and your time.
17 We're not here to embarrass anyone and you will not be forced
18 to discuss any private matters in front of everyone else.
19 We're all adults and we're all here to support each other's
20 rights to privacy, so take a deep breath and relax.

21 It is common practice in federal court for the names
22 and identities of the jurors to be kept confidential and
23 that's what we're doing in this case. I can assure you as the
24 federal judge trying this case, trying this case with you, I
25 take issues of privacy very seriously especially in the

PROCEEDINGS

1 Internet age. In this trial your names will not be known to
2 the public, to members of the press, to the parties in this
3 action, to the lawyers. Your names are known only to certain
4 Court personnel. As the Court, I will refer to you only by
5 your juror paddle number throughout this trial.

6 No camera nor cell phones are allowed in this
7 courtroom and no pictures of anyone will be taken. The Court
8 Security Officers and the Federal Marshals of course will have
9 communication devices but no members of the public will have
10 such devices so you don't have to worry about that.

11 In addition to being an anonymous jury, as jurors
12 you will also be what is referred to as partially sequestered.
13 That simply means the United States Marshals Service will
14 escort you, as the jury, to from and within the courthouse
15 daily. This will ensure a timely start to each day and as
16 jurors you will remain together during the breaks and during
17 lunch in order to preserve the trial continues expeditiously.
18 The Court will provide you with lunch each day that you are a
19 juror here.

20 When you entered the courtroom my law clerks handed
21 each of you a juror questionnaire and a pen with your juror
22 number on the top right-hand corner. I will now ask each of
23 you, if you have not yet done so, to read the instructions on
24 the first page and to complete the jury questionnaire, it's
25 fairly short, but take your time and do not write your name or

PROCEEDINGS

1 social security number or any other identifying information
2 anywhere on the questionnaire. When you have finished the
3 questionnaire I will ask you to hold on to it and to look up
4 and wait for further instructions. We anticipate it takes
5 about 10 minutes to fill out the questionnaire and in about 10
6 minutes I will ask you to raise your respective paddles if you
7 need more time. So if you would just be good enough to fill
8 out this brief questionnaire and in about 10 minutes we'll
9 check in with you. If you need more time, I know some of you
10 have already started to fill it out, I'm very grateful.
11 Again, no names, no socials, no identifying numbers, just fill
12 out the questionnaire. Each of you has -- you see there is a
13 number on the top right corner, that's your juror paddle
14 number. So the number on your questionnaire, for example,
15 juror number one you ought to have a questionnaire number one.
16 Juror number two, you ought to have questionnaire number two.
17 Hopefully, you will have a paddle number that comports with
18 the questionnaire. If not that's not the case let me know and
19 my law clerks will take care of that now.

20 So please fill out questionnaire and when you're
21 done in about 10 minutes we'll check in with you again. Okay.
22 Thanks.

23 (Pause in proceedings.)

24 THE COURT: Would another two or three minutes be
25 helpful? Anybody need a little more time? If you do just

PROCEEDINGS

1 raise your paddle, I'll give you a couple of more minutes.

2 Anybody need a little more time? Yes, no problem we'll give
3 you a couple of more minutes, sure.

4 (Pause in proceedings.)

5 THE COURT: Okay, one more minute and then we'll
6 collect the completed questionnaires.

7 (Pause in proceedings.)

8 (Continued on the next page.)

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Jury Selection

1 (Continuing.)

2 THE COURT: Is there anyone who has not completed
3 his or her questionnaire? All right. Seeing no paddles
4 raised, that's great. I'm now going to ask you to pass down
5 your completed questionnaire to the end of the row so we can
6 have my law clerks collect them and just pass them down and
7 they will collect them and then we'll deal with them
8 appropriately. Thank you very much for your patience on that.
9 Think of it as a collection and a place of worship but you
10 don't have to put any money in, just hand it down.

11 Have all of the questionnaires been handed in?
12 Anybody hanging on to one. Thank you very much ladies and
13 gentlemen of the jury. Now what we are going to do is we're
14 going to have them made available to all the counsel and we
15 will then proceed once that copying process has been done so
16 that each side has got their respective copies of your
17 questionnaires, but, again, those questionnaires do not
18 contain any identifying information other than just your jury
19 number.

20 Can we get that copying process underway right away,
21 folks?

22 MR. HAGGANS: Yes, Your Honor, we will.

23 THE COURT: Good.

24 (Pause.)

25 MS. MACEDONIO: Your Honor, may the parties

Jury Selection

1 approach?

2 THE COURT: The parties may approach.

3 MS. MACEDONIO: Thank you, Your Honor.

4 (Continued on the next page.)

Jury Selection - Sidebar

1 (Sidebar conference held on the record out of the
2 hearing of the prospective jurors.)

3 MS. MACEDONIO: We need a little direction from the
4 Court on how Your Honor anticipates proceeding. I think from
5 the parties' perspective, we thought we were going to break
6 now, have those copied, and then given the chance to be able
7 to review them so that we could strike whoever is in the panel
8 who would automatically be excused rather than questioning
9 them now individually. That is what I believe the parties
10 anticipated.

11 THE COURT: I'm so sorry that you anticipated
12 incorrectly.

13 MS. MACEDONIO: Okay, I apologize.

14 THE COURT: No need to apologize, but now you have
15 been informed.

16 Anything else?

17 MS. MACEDONIO: No, Your Honor.

18 THE COURT: Anything else?

19 MR. KESSLER: Just to add, Your Honor, that our
20 administrative person will come and collect the questionnaires
21 and start the copying process, but we don't have an exact time
22 frame for how fast that will be. It will be as fast as an
23 army of people can do it.

24 THE COURT: Anything else?

25 I think the administrative person should have been

Jury Selection - Sidebar

1 here where you could have one of your people schlep it over to
2 your administrative person, but I can't tell you folks how to
3 run your part of the shop.

4 Anything else?

5 MS. MACEDONIO: No, Your Honor.

6 MR. KESSLER: Thank you.

7 MR. PRAVDA: Thank you.

8 (End of sidebar conference.)

9 (Continued on the next page.)

Jury Selection

1 (Sidebar ends; in open court.)

2 THE COURT: Mr. Jackson?

3 THE COURTROOM DEPUTY: Yes, Judge.

4 THE COURT: All right, ladies and gentlemen of the
5 jury, now that the questionnaires have been completed, they're
6 off being copied, we're now going to begin with an overview
7 while we await the return of the completed questionnaires for
8 counsels' benefit so we can move right ahead. I want to tell
9 you about the case and then we'll get started with our sidebar
10 individual discussions with each of you.

11 This case is a criminal prosecution brought by the
12 United States of America. The defendant, who sits before you,
13 is Mr. Dilkhayot Kasimov. Mr. Kasimov has been charged by way
14 of an indictment. An indictment is simply the means by which
15 the Government gives a defendant notice of the charges against
16 him and brings the defendant to court. The indictment is
17 merely an accusation and nothing more than an accusation. It
18 is not evidence and it is not to be considered by the jury in
19 arriving at a verdict.

20 In response to the indictment, the defendant has
21 pled not guilty. The defendant is presumed to be innocent and
22 presumed to be not guilty unless and until such time, if ever,
23 his guilt has been proven by the United States government
24 beyond a reasonable doubt. If you are selected as a juror in
25 this case, it will be your duty to determine whether based on

Jury Selection

1 all the evidence presented at the trial, and only the evidence
2 presented at the trial, whether the Government has proven
3 beyond a reasonable doubt that the defendant is guilty of the
4 crimes charged in the indictment.

5 If the Government does not meet its burden of proof
6 beyond a reasonable doubt, then you, the jury, must find the
7 defendant not guilty. I will now ask each of the attorneys to
8 rise and to introduce themselves, their institutional
9 affiliations, and their clients beginning with the Government.

10 Please stand and introduce yourselves to the members
11 of the jury on the record.

12 MR. PRAVDA: Good morning. Doug Pravda, Assistant
13 United States Attorney, Eastern District of New York.

14 MR. KESSLER: Good afternoon. David Kessler, also
15 an Assistant United States Attorney with the Eastern District
16 of New York.

17 MR. HAGGANS: Good afternoon. Matthew Haggans, also
18 an Assistant United States Attorney in the Eastern District of
19 New York.

20 MS. MACEDONIO: Good afternoon. My name is
21 Elizabeth Macedonio and I represent Dilkhayot Kasimov.

22 MS. SHARKEY: Good afternoon, ladies and gentlemen.
23 My name is Kelley Sharkey and I also represent Dilkhayot
24 Kasimov.

25 MR. RUBERT-SCHEWEL: Good afternoon. Abraham

Jury Selection

1 Rubert-Schewel. I represent Dilkhayot Kasimov.

2 THE COURT: We also have translators who are seated
3 next to the defendant, Mr. Kasimov.

4 Mr. Kasimov, would you stand, please?

5 THE DEFENDANT: Good morning.

6 THE COURT: Good afternoon. Thank you. You may be
7 seated, Mr. Kasimov.

8 Now, I'm going to stop right here and ask, does
9 anyone know the defendant, Mr. Kasimov? If you do, please
10 raise your paddle and hold it up.

11 I see no paddles raised.

12 Has anyone here had any dealings with Mr. Kasimov or
13 with the attorneys representing him or any of the attorneys
14 representing the Government? If so, please raise your paddle
15 now.

16 I see no paddles raised. Thank you.

17 In this case, the Government charges Mr. Kasimov
18 with one count of conspiracy to provide material support to a
19 foreign terrorist organization, the Islamic State of Iraq and
20 al-Sham, also referred to as ISIS, I-S-I-S, and one count of
21 an attempt to provide material support to a foreign terrorist
22 organization, ISIS.

23 I am now going to ask you some questions about your
24 ability to serve on this jury. Please listen carefully to my
25 questions and my comments. The attorneys having introduced

Jury Selection

1 themselves and identified their institutional affiliations and
2 their clients; we're now going to proceed.

3 Have any of you had any direct or indirect dealings,
4 business -- social or otherwise -- with any of the attorneys
5 who just introduced themselves to you by name? If so, please
6 raise your paddle and hold them up high.

7 I see no paddles raised. Thank you.

8 Now, the lawyers have given this Court a list of
9 prospective witnesses who may be called and other names that
10 you may hear during the trial. I'm going to ask you to listen
11 to this list of names -- and I will spell the names for you --
12 and to please let the Court know if you have or may have had
13 dealings with any one or more of them. And to give you an
14 example, if someone says "John Jones" is the name -- pretty
15 common name, but maybe you know the John Jones we're talking
16 about, maybe you don't -- in a super abundance of caution,
17 just raise your paddle if I call out a name and you may or may
18 not have known that person. And if you do, we will discuss it
19 at the sidebar.

20 So I'm going to go through the list of names and ask
21 you to pay attention. As I said, I will spell the names of
22 each of the potential witnesses.

23 Special Agent Rajeev, which is spelled R-A-J-E-E-V,
24 last name Bhatia, B as in "boy," H-A, T as in "Thomas," I, A
25 as in "apple," Homeland Security Investigations. Does anyone

Jury Selection

1 know Special Agent Rajeev Bhatia? If so, please raise your
2 paddle.

3 I see no paddles raised. Thank you.

4 Next. Detective Mariano Capellan, C as in "candy,"
5 A, P as in "Peter," E-L-L-A, N as in "Nancy," New York City
6 Police Detective. Anyone know Detective Capellan?

7 I see no paddles raised. Thank you.

8 Next. Special Agent Thais, T-H-A-I-S, second name
9 Canin, C like "candy," A, N like "Nancy," I-N, Federal Bureau
10 of Investigation. Anyone know that special agent?

11 I see no paddles raised. Thank you.

12 Next. Special Agent Michael DiCaprio, D as in
13 "David," I, capital C as in "candy," A-P-R-I-O, Federal Bureau
14 of Investigation. Anyone know that person?

15 I see no paddles raised. Thank you.

16 Next. Special Agent Megan, M-E-G-A-N, Dolan,
17 D-O-L-A-N, Federal Bureau of Investigation. Anyone know
18 Special Agent Dolan?

19 I see no paddles raised. Thank you.

20 Next, a gentleman Abror, A-B-R-O-R, last name
21 Habibov, H as in "Harry," A, B as in "boy," I, B as in "boy,"
22 O, V as in "Victor." Does anyone know Mr. Habibov?

23 I see no paddles raised. Thank you.

24 Next name is Mr. Dilorom, D as in "David,"
25 I-L-O-R-O, M as in "Mary." Last name, K as in "king," A, M as

Jury Selection

1 in "Mary," B as in "boy," A-R-O, V as in "Victor," A. Anyone
2 know that individual?

3 I see no paddles raised.

4 Next name. His first name is U-L-U-G-H, B as in
5 "boy," E-K. Last name, M as in "Mary," A, M as in "Mary,"
6 A-D-J-A-N-O, V as in "Victor." Anyone know that individual?

7 I see no paddles raised. Thank you.

8 Next is Detective Sean McTighe, capital M-C, T as in
9 "tiger," I-G-H-E. New York City Police Department. Anyone
10 know that individual?

11 I see no paddles raised. Thank you.

12 Next is Special Agent John Neas, N as in "Nancy,"
13 E-A, S as in "Sam," Junior, Federal Bureau of Investigation.
14 Anyone know Special Agent Neas?

15 I see no paddles raised. Thank you.

16 Next is Special Agent, first name J-A, M as in
17 "Mary," S-H-I, D as in "David." Last name O-C-H-I-L-O, V as
18 in "Victor," Federal Bureau of Investigation. Anyone know
19 that individual?

20 I see no paddles raised.

21 Next is Special Agent Marcus, M-A-R-C-U-S, Rivera,
22 R-I-V-E-R-A, United States Attorney's Office, Eastern District
23 of New York. Anyone know Special Agent Marcus Rivera?

24 I see no paddles raised. Thank you.

25 Next is Special Agent Ryan, last name Singer, S-I, N

Jury Selection

1 as in "Nancy," G-E, R as in "Roger," Federal Bureau of
2 Investigation. Anyone know that person?

3 I see no paddles raised. Thank you.

4 Next is Dr. Lorenzo, L-O-R-E-N-Z-O, last name
5 Vidino, V as in "Victor," I, D as in "David," I, N as in
6 "Nancy," O. Anyone know that individual?

7 I see no paddles raised.

8 And finally Mr. A-K-M-A-L, last name Zakirov, Z as
9 in "Zoro," A, K as in "king," I-R-O, V as in "Victor." Anyone
10 know that individual?

11 I see no paddles raised. Thank you.

12 Is there anyone who knows me personally or has had
13 any dealings with me? If I do not recognize you as I look out
14 on to the prospective jury panel, please do not be offended.
15 If I recognize you but you do not remember me, I promise I
16 will not be offended. Anyone know me?

17 No paddles go up. I continue to have the much
18 obscurity that I deserve and have borne.

19 Now, I have some general questions for you.

20 Do you have any knowledge about the parties for this
21 case that might influence your ability to decide this case
22 fairly and impartially, or have you read or heard anything
23 about this case? If so, please raise your paddle high and
24 keep it up until I call out your number.

25 Anyone read anything about this case or know

Jury Selection

1 anything about the parties that might influence your ability
2 to be fair and impartial in this case? Please raise your
3 hands up with your paddle.

4 I see no paddles raised. Thank you.

5 Now, if you believe that any group does not receive
6 fair treatment from police, prosecutors, or law enforcement
7 agencies, or if you believe that any group receives
8 preferential treatment from police, prosecutors, or law
9 enforcement agencies and you feel that you would be unable to
10 put aside any such opinions or beliefs that you hold in
11 evaluating the evidence presented in this Court at this trial
12 in this courtroom, please raise your paddles now and I will
13 call out your number and we will discuss it at the sidebar.
14 So hold your paddles up high, please, and hold them up until I
15 call your number and then you can put your paddle down. Thank
16 you.

17 Number 25, thank you. You can put it down when I
18 call your number out, but not before I call your number out.
19 Okay. Number 50, thank you. You can put it down. Number 74,
20 thank you. Number 87, thank you. Number 110, thank you.
21 Number -- you have to wait until I call your number. Okay.
22 Number 112, thank you. Any other paddles? Okay.

23 I see none. Thank you very much.

24 Do you hold any beliefs about incarceration or the
25 criminal justice system that would make it difficult for you

Jury Selection

1 to be a fair and impartial juror in this case? If so, please
2 raise your paddle high and hold it up until I call out your
3 number.

4 Number 25, thank you. Number 50, thank you. Number
5 37, thank you. Number 102, thank you. Number 123, thank you.

6 Anyone else? All right.

7 Is there anything in what you have seen, heard,
8 read, or experienced about the following offices and/or
9 agencies that would make it difficult for you to render a fair
10 and impartial verdict in this case: The United States
11 Department of Justice or the United States Attorney's Office
12 or the FBI or the Joint Terrorism Task Force or the United
13 States Department of Homeland Security or the New York City
14 Police Department or any other law enforcement agency? If so,
15 please raise your paddle and hold it up until I call it and
16 then you put it down.

17 Number 10, thank you. Number 7, thank you. Number
18 13, thank you. Number 25, thank you. Number 37, thank you.
19 Number 50, thank you. Number 55, thank you.

20 Hold them up high so I can see. Thanks.

21 Number 80, thank you. Number 81, thank you. Number
22 90, thank you. Number 92, thank you. Number 93, thank you.
23 Number 95, thank you. Number 118, thank you.

24 Anyone else? Okay.

25 Have you ever served as a juror in any case -- civil

Jury Selection

1 or criminal -- or as a member of a grand jury either in
2 federal court or in state court? If so, please raise your
3 paddle high until I call out your number. Thank you.

4 Number 14, thank you. 16, thank you. 18, thank
5 you. 20, thank you. 23, thank you. 24, thank you. 27,
6 thank you. 31, thanks. 33, thank you. 35, thank you. 36,
7 thank you. 44, thank you. 46, thank you. 50, thank you.
8 52, thank you. 56, thank you. 57, thank you. 61, thanks.
9 63, thank you. 74, thank you. 78, thank you. 84, thank you.
10 96, thank you. 99, thank you. 100, thank you. 107, thank
11 you. 117, thanks. 119, thank you. 120, thanks. 121, thank
12 you. 126, thank you.

13 Anyone else? All right.

14 Have any of you personally or has anyone in your
15 immediate family, anyone that you consider your immediate
16 family -- that is to say, your parents, your spouse, children,
17 siblings or significant others -- ever participated in a
18 lawsuit or a criminal case as a witness? If so, please raise
19 your paddle until I call out your number.

20 Thank you, number 2. Thank you, number 13. Thank
21 you, number 27, thank you. 29, thank you. 45, thank you.
22 68, thank you. 91, thank you. 100, thank you. 114, thank
23 you.

24 Anyone else? I see no other paddles.

25 If you are selected to sit on this case, would you

Jury Selection

1 be able to render a decision based solely on the evidence
2 presented in this courtroom at this trial and in the context
3 of the law that I, as the trial judge, will provide to you in
4 my instructions? You would have to disregard any ideas,
5 notions, or beliefs about the law or any biases or prejudices
6 or other views which you may have encountered in reaching your
7 verdict and keeping in mind that, under our legal system, this
8 defendant is presumed innocent unless until such time as he is
9 found to be guilty beyond a reasonable doubt. If you will not
10 be able to follow my instructions, if you aren't willing to
11 follow my instructions, please raise your paddle now.

12 Number 21, thank you. Number 10, thank you. Number
13 22, thank you. 24, thank you. 25, thank you. 37, thank you.
14 45, thank you. 50, thank you. 62, thank you. 69, thank you.
15 74, thank you. 87, thanks. 95, thank you. 110, thank you.
16 112, thank you. 115, thanks. 121, thank you. 123, thank
17 you. 126, thank you.

18 Anyone else? Okay.

19 Is there any member of the panel who has a special
20 personal obligation that makes you think it would be
21 impossible for you to be present for jury duty between the
22 hours of 9:30 a.m. and 5:00 p.m. every day this week and next
23 week? If so, remember we will discuss at the sidebar, but
24 please raise your paddle now.

25 Number 1, thank you. 6, thanks. 7, thank you. 13,

Jury Selection

1 thanks. 14, thank you. 16, thank you. 19, thank you. 22,
2 thanks. 23, thank you. 24, thank you. 25, thank you. 29,
3 thanks. 30, thank you. 32, thanks. 34, thank you. 39,
4 thank you. 42, thank you. 44, thank you. 46, thanks. 47,
5 thank you. 52, thank you. 60, thank you. 57, thank you.
6 62, thank you. 66, thank you. 65, thanks. 71, thank you.
7 73, thank you. 74, thanks. 75, thank you. 76, thanks. 81,
8 thank you. 82, thanks. 83, thank you. 85, thank you. 87,
9 thanks. 88, thank you. 91, thank you. 92, thanks. 93,
10 thank you. 94, thanks. 95, thank you. 127, thanks. 105,
11 thank you. 128, thank you. 98, thanks. 100, thank you.
12 129, thank you. 108, thank you. 109, thanks. 110, thanks.
13 111, thank you. 112, thank you. 113, thank you. 114 -- 114
14 up? Okay, not 114. 115, thank you. 118, thanks. 121, thank
15 you. 122, thank you. 123, thanks. 124, thank you. 125,
16 thank you. 126, thank you. 130, thank you.

17 Any other paddles that I may have missed? Okay.

18 Is there any member of the panel who has a
19 disability or special need that makes you think it would be
20 difficult or impossible for you to serve on this jury? You do
21 not need to tell everyone what it is, as I've said repeatedly
22 before, we will discuss it discretely at the sidebar. Is
23 there anyone who thinks upfront that you cannot or should not
24 sit on this jury for any reason involving disability or
25 special needs? If so, please raise your paddle now.

Jury Selection

1 Number 23, thank you. Number 85, thanks. Number
2 72, thank you. 92, thanks. 121, thank you.

3 Anyone else have special-needs issues? Okay, thank
4 you.

5 Is there any member of the panel who has a legal
6 education or legal training? If so, please raise your paddle
7 now. Number 21, thanks. 39, thank you. 68, thanks. 70,
8 thanks. 80, thank you. 93, thank you. 102, thanks. 112,
9 thanks. 117, thank you.

10 Anyone else legal training or education?
11 43, thank you.

12 Anyone else? Legal training, legal education,
13 anyone else? Okay.

14 Have any of you ever been a victim of a crime? If
15 so, please raise your paddle, hold it up now.

16 Number 10, thanks. Number 13, thank you. 18,
17 thanks. 20, thank you. 24, thanks. 25, thank you. 31,
18 thanks. 34, thank you. 37, thank you. 44, thanks. 46,
19 thank you. 53, thanks. 55, thank you. 62, thank you. 64,
20 thanks. 65, thank you. 68, thanks. 74, thank you. 75,
21 thank you. 80, thanks. 83, thank you. 86, thank you. 87,
22 thank you. 91, thank you. 93, thank you. 99, thank you. Is
23 that 106? Yes. Thank you. 110, thank you. 112, thanks.
24 119, thank you. 120, thanks. 121, thank you. 130, thank
25 you. Number 7, thank you.

Jury Selection

1 Anyone else? I see no other paddles. Okay.

2 Do any of you have any relationship -- business,
3 social, or otherwise -- with any members of law enforcement
4 whether the police, the FBI, Homeland Security, diplomatic or
5 security services, security officers, or otherwise broadly
6 defined? If so, please raise your paddle and I will call out
7 your number.

8 2, thank you. 3, thanks. 6, thank you. 9, thanks.
9 10, thank you. 13, thank you. 14, thank you. 22, thanks.
10 21, thank you. 20, thank you. 27, 28, thanks. 30, thank
11 you. 33, thanks. 34, thank you. 38, thank you. 41, thanks.
12 43, thank you. 45, thanks. 47, thank you. 49, thanks. 51,
13 thank you. 52, thank you. 53, thank you.

14 In the back, hold it a little bit higher. Thank
15 you.

16 67, thanks. 68 -- 60, thank you. 61, thank you.
17 73, thank you. 78, thanks. 80, thank you. 81, thanks. 82,
18 thank you. 85, thank you. 95, thanks. 94, thanks. 93,
19 thank you. 96, thanks. 97, thank you. 100, thanks. 103,
20 thank you. 104, thank you. 108, thank you. 117, thank you.
21 126, thank you. 130, thank you.

22 Anyone else? Any or paddles? Okay.

23 Do any of you have any relationship with a
24 prosecutorial office, the District Attorney's Office, the
25 United States Attorney's Office, State Attorney General

Jury Selection

1 Office, or with anyone working there? If so, please raise
2 your paddle and keep it up high.

3 2, thank you. 45, thanks. 13, thank you. 93,
4 thanks. 80, thank you. 108, thank you. 25, thank you.

5 Anyone else? Okay.

6 Do any of you have strong positive or negative
7 feelings, general or specific, about law enforcement whether
8 due to your interaction with law enforcement or otherwise? If
9 so, please raise your paddle.

10 Number 2, thanks. 3, thanks. 6, thank you. 7,
11 thanks. 10, thank you. 13, thanks. 16, thank you. 22,
12 thanks. 24, thank you. 25, thank you. 30, thank you. 40,
13 thanks. 39, thank you. 38, thanks. 37, thank you. 45,
14 thank you. 46, thanks. 50, thank you. 53, thank you. 5,
15 thank you. 73, thank you. 74, thank you. 80, thanks. 90,
16 thank you. 93, thanks. 95, thank you. 87, thank you. 96,
17 thanks. 108, thank you. 112, thanks. 113, thanks. 115,
18 thank you. 116, thank you. 129, thanks. 126, thanks. 123,
19 thanks. 121, thanks. 119, thanks. 118, thank you.

20 Anyone else? All right.

21 Have any of you ever been arrested or the subject of
22 a criminal investigation or case? Do any of you have an
23 immediate relative who has been arrested or the subject of a
24 criminal investigation or case? If so, please raise your
25 paddle high.

Jury Selection

1 Number 3, thanks. 16, thank you. 24, thanks. 31,
2 thanks. 29, thank you. 36, thank you. 38, thank you. 55,
3 thank you. 65, thank you. 68, thank you. 77, thanks. 78,
4 thank you. 80, thanks. 87, thank you. 90, thanks. 127,
5 thank you. 109, thank you. 112, thank you. 113, thank you.
6 115, thank you. 116, thank you. 118, thank you.

7 Anyone else?

8 Some people believe that if someone has been
9 arrested that he or she must have been guilty of something.
10 Do you feel that way? If so, please raise your paddle.

11 Number 44, thank you. Number 10, thank you.

12 Anyone else?

13 I see no other paddles raised. All right.

14 Have you or any family member or close friend ever
15 worked for a criminal defense lawyer or private investigator?
16 If so, please raise your paddle high.

17 Number 2, thanks. 7, thank you. 13, thank you.
18 14, thank you. 24, thanks. 25, thank you. 37, thanks. 39,
19 thanks. 68, thank you. 97, thank you. 62, thank you. 102,
20 thank you.

21 Anyone else?

22 I see no other paddles raised.

23 As I previously mentioned, the defendant is charged
24 with conspiring and attempting to provide material support to
25 a foreign terrorist organization. Does anyone have any views

Jury Selection

1 about or experience with United States response to terrorism
2 or its foreign policy concerning the Middle East that would
3 prevent you from being a fair and impartial juror in this
4 case? If so, please raise your paddle and keep it up until I
5 call your number.

6 Number 10, thank you. 7, thanks. 13, thank you.
7 14, thank you. 22, thanks. 25, thank you. 30, thanks. 37,
8 thank you. 43, thank you. 45, thank you. 44, thank you.
9 46, thank you. 50, thanks. 60, thanks. 53, thank you. 55,
10 thank you. 62, thank you. 83, thanks. 95, thanks. 128,
11 thank you. 126, thank you. 87, thank you. 86, thank you.

12 Anyone else?

13 65, thank you. 16, thank you.

14 Anyone else?

15 49, thank you.

16 Anyone else?

17 I see no other paddles raised. All right, thank
18 you.

19 Is there anything about this case that would or
20 might cause you to favor one side over the other? If so,
21 please raise your paddle now.

22 2, thank you. 1, thank you. 3, thank you. 6,
23 thanks. 7, thank you. 10, thank you. 11, thank you. 13,
24 thank you. 14, thank you. 16, thank you. 21, thanks. 22,
25 thank you. 25, thank you. 30, thank you. 28, thank you.

Jury Selection

1 44, thank you. 45, thank you. 38, thank you. 53, thank you.
2 62, thanks. 65, thank you. 60, thank you. 69, thank you.
3 70, thank you. 71, thank you. 83, thank you. 90, thanks.
4 92, thank you. 94, thank you. 95, thank you. 102, thanks.
5 110, thank you. 112, thank you. 128, thank you. 116, thank
6 you. 115, thank you. 126, thank you. 124, thank you.

7 Anyone else?

8 I see no paddles raised. Thank you.

9 Will you be able to wait until all the evidence is
10 presented in this case and given to you as the jury all the
11 evidence before making up your mind? If not, will you raise
12 your paddle high. I'll call the number now.

13 Number 10, thank you. 2, thanks. 6, thank you. 7,
14 thank you. 16, thank you. 21, thanks. 22, thanks. 25,
15 thank you. 62, thank you.

16 Hold them up high.

17 28, thank you.

18 Other paddle numbers?

19 110, thank you.

20 Anyone else?

21 I see no other paddles raised.

22 Will you be able to accept the proposition that any
23 question of punishment is for the Court alone to decide and
24 that the possibility of punishment does not enter into your
25 deliberations as jurors as to whether the defendant on trial

Jury Selection

1 is guilty or not guilty? If you are not able to do that,
2 please raise your paddle now.

3 Number 50, thank you. Number 7, thank you. Number
4 60, thanks. Number 49, thank you.

5 Anyone else? Number 62, thank you.

6 Anyone else? I see no other paddles raised.

7 Under our system of laws, the defendant is presumed
8 to be innocent as I previously stated to you, and that
9 presumption stays with the defendant unless and until you, as
10 the jury, are satisfied from the evidence before you that his
11 guilt has been proven beyond a reasonable doubt. Furthermore,
12 because the defendant is presumed under the law to be not
13 guilty, no defendant is required under the law to prove that
14 he is not guilty or to prove that he is innocent of the
15 charges. Indeed, the defendant does not have to prove
16 anything at all in a criminal trial. Rather, it is the
17 Government that must come forward to prove a defendant's guilt
18 beyond a reasonable doubt.

19 Is there any juror who would not be able or willing
20 to follow these principles and to follow my instructions in
21 this case? If so, please raise your paddle now.

22 Number 110, thank you.

23 Anyone else who would be unable or unwilling to
24 follow those instructions?

25 I see no other paddles raised. Thank you.

Jury Selection

1 In the event that this defendant does not testify at
2 trial, I will instruct you that this is not a factor which can
3 in any way, shape, or form impact or even be considered by you
4 as the jury during your deliberations.

5 Is there any juror who would not follow this
6 principle? If so, please raise your paddle now.

7 I see no paddles raised.

8 Is there any juror who feels that even if the
9 evidence established in defendant's guilt is beyond a
10 reasonable doubt in that juror's mind that he or she might not
11 be able to render a guilty verdict for reasons unrelated to
12 the law as I give it to you and the evidence as presented to
13 you in this case? If so, please raise your paddle now.

14 Any juror who feels that way?

15 I see no paddles raised.

16 Do any of you have any difficulty reading or
17 understanding English? If so, if you have that difficulty
18 with the English language, written and/or spoken form, please
19 raise your paddle now and we'll discuss it as sidebar.

20 Number 8, thank you. Number 4, thank you. Number
21 28, thank you. Number 49, thanks. 26, thank you. 54, thank
22 you. 59, thanks. 58, thank you. 72, thank you. 92, thank
23 you. 105, thank you.

24 Anyone else? Please raise your paddle high. All
25 right.

Jury Selection

1 Having heard these questions, is there anything else
2 that I did not mention that makes you feel that you could not
3 be an impartial and fair juror in this case? If so, please
4 raise your paddles now. This is a catchall question,
5 something I didn't touch on.

6 Yes, number 87, thank you.

7 Anyone else?

8 25, thank you. 22, thank you. Number 10, thanks.

9 Number 25, thank you. 60, thanks. 44, thank you. 65, thank
10 you. 130, thanks. 93, thank you. 88, thank you. 110, thank
11 you. 112, thank you. 123, thank you. 13, thank you. 60,
12 thank you.

13 Anyone else?

14 Number 1, thank you.

15 Anyone else?

16 14, thank you.

17 Anyone else?

18 All right. Now that you have heard all of my
19 questions, I will ask Mr. Jackson, the court deputy, to bring
20 each juror over to the sidebar here, which as I indicated
21 earlier is to my left directly ahead, and we will turn on the
22 white noise machine, and this is how we will proceed. If you
23 are excused by the Court, please return your paddle to my law
24 clerk right in front of you before leaving the courtroom. You
25 are then to return to the second floor jury department and to

Jury Selection

1 check in with the clerk at the main desk.

2 If you are not excused, however, please retain your
3 paddle, keep it with you, and return to your seat in the jury
4 box and in the courtroom.

5 So with that, we are now going to commence the
6 individual discussions with the white noise machine turned on,
7 and I'm going to ask Juror Number 1 to bring her paddle
8 forward and we're going over to the sidebar, so thank you.

9 (Continued on the next page.)

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JURY SELECTION - SIDEBAR

1 (Sidebar conference held on the record out of the
2 hearing of the prospective jurors.)

3 THE COURT: Juror Number 1, thank you for your
4 patience, and I appreciate it. I saw you raised your paddle
5 for a number of issues. Why don't you tell us what your
6 issues are.

7 THE PROSPECTIVE JUROR: I work as a nanny, and maybe
8 I could get two days off, but I can't get, like, two weeks
9 off.

10 THE COURT: You couldn't take two weeks off?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: I will excuse you from service. Please
13 give your paddle to my law clerk and go back to the second
14 floor, okay?

15 THE PROSPECTIVE JUROR: Thank you.

16 THE COURT: Thank you.

17 Next juror, Juror 2.

18 (Prospective juror excused.)

19 THE COURTROOM DEPUTY: Juror Number 2.

20 (Prospective juror approaches sidebar.)

21 THE COURT: Please come forward, ma'am. Thank you
22 so much for your patience, Juror Number 2. I saw you raised
23 your paddle on a number of issues. Tell us what they are
24 generally.

25 THE PROSPECTIVE JUROR: Police officer -- I have a

JURY SELECTION - SIDEBAR

1 lot of -- husband, friends, family. I don't really think I
2 can be unbiased in this situation.

3 THE COURT: Well, if you don't think you can be
4 unbiased, I respect that, you are excused from service in this
5 case. We will find you a nice contract case to work on. Go
6 back down to the second floor. Thank you.

7 (Prospective juror excused.)

8 THE COURT: Next.

9 THE COURTROOM DEPUTY: Juror 3.

10 (Prospective juror approaches sidebar.)

11 THE COURT: Thank you, sir. Appreciate your
12 patience.

13 I saw, Juror Number 3, you raised your paddle a
14 couple times. Tell us what your issues are.

15 THE PROSPECTIVE JUROR: Very pro police. Don't like
16 terrorism whatsoever. Very, very partial towards the United
17 States.

18 THE COURT: So you could not be fair and impartial
19 in a case like this? You have to look me in the eye and tell
20 me the truth. Could you be fair and impartial?

21 THE PROSPECTIVE JUROR: I don't think so.

22 THE COURT: Okay. If you don't think so, we'll
23 excuse you. Thanks. Give the paddle to my law clerk, go back
24 down to the second floor. Thank you.

25 (Prospective juror excused.)

JURY SELECTION - SIDEBAR

1 THE COURTROOM DEPUTY: Juror 4.

2 (Prospective juror approaches sidebar.)

3 THE COURT: Good afternoon, Juror Number 4. Thank
4 you very much for your patience.

5 I saw you raised your paddle a couple times. What
6 are your issues.

7 THE PROSPECTIVE JUROR: I speak little English.

8 THE COURT: You don't speak English well enough to
9 participate? I respect that. Thank you very much. You are
10 excused. Please give the paddle back to my law clerk and go
11 back to the second floor.

12 THE PROSPECTIVE JUROR: Thank you.

13 THE COURT: Thank you.

14 (Prospective juror excused.)

15 THE COURTROOM DEPUTY: Juror Number 5.

16 (Prospective juror approaches sidebar.)

17 THE COURT: Thank you, Juror Number 5. Thank you
18 for your patience.

19 THE PROSPECTIVE JUROR: How are you?

20 THE COURT: Good, sir. How are you?

21 THE PROSPECTIVE JUROR: Good.

22 THE COURT: Did you raise your paddle for any
23 issues?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: Okay. Do you think you would be able to

JURY SELECTION - SIDEBAR

1 serve fairly and impartially in this case?

2 THE PROSPECTIVE JUROR: I think so. Just I have a
3 little eye infection I am taking care of.

4 THE COURT: A little eye infection?

5 THE PROSPECTIVE JUROR: Yeah, a little bit, so I
6 don't know, sometimes it's a little uncomfortable.

7 THE COURT: Do you think you will be able to sit for
8 the two weeks? We are sitting from 9:30 in the morning until
9 5:00, so if you need to get a prescription filled or
10 something, I assume you can do that. Do you think you will be
11 able to serve?

12 THE PROSPECTIVE JUROR: I don't like to do it.

13 THE COURT: I'm sorry?

14 THE PROSPECTIVE JUROR: I really don't want to do
15 it.

16 THE COURT: I know you don't want to do it, but do
17 you think you could do it?

18 THE PROSPECTIVE JUROR: I could do it, yes.

19 THE COURT: You know what, we'll let you serve. Go
20 back, please take that first seat and sit in seat number 1.
21 Hang on to your paddle. Okay?

22 THE PROSPECTIVE JUROR: Okay.

23 THE COURT: Great, thanks.

24 (Prospective juror returns to seat.)

25 THE COURTROOM DEPUTY: Juror 6.

JURY SELECTION - SIDEBAR

1 (Prospective juror approaches sidebar.)

2 THE COURT: Good afternoon. Thank you, Juror 6. I
3 appreciate your patience.

4 I see you raised your paddle once or twice. Any
5 issues.

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: Keep your voice up; they can't hear you
8 over there.

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: Tell us what your issues are.

11 THE PROSPECTIVE JUROR: I just believe that I would
12 be on one side. I don't feel that I would be able --

13 THE COURT: You would not be fair and impartial on a
14 case like this?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: If you don't think so, we respect that
17 of you, you're excused. Give the paddle to my law clerk and
18 go back down to the second floor. Thank you, ma'am.

19 THE PROSPECTIVE JUROR: Thank you.

20 (Prospective juror excused.)

21 THE COURTROOM DEPUTY: Juror 7.

22 (Prospective juror approaches sidebar.)

23 THE COURT: Good afternoon, young lady. Thank you
24 very much for your patience.

25 I saw you raised your paddle a couple times. Tell

JURY SELECTION - SIDEBAR

1 us what your issues are.

2 THE PROSPECTIVE JUROR: Specifically, this is my
3 deferment date, but I tried to get it deferred until January
4 due to work and travel plans. So this week, for example, I'm
5 not able to attend on Friday due to travel.

6 THE COURT: You are traveling on vacation or work --

7 THE PROSPECTIVE JUROR: Yes, to Boston.

8 THE COURT: Okay. Well, Boston is a great city, so
9 I'm going to excuse you. Thank you for your service and
10 hopefully you will get deferred to January and get you in a
11 case that works for you then.

12 THE PROSPECTIVE JUROR: Thank you.

13 THE COURT: Give the paddle to my law clerk and go
14 back to the second floor. Thanks.

15 THE PROSPECTIVE JUROR: Okay.

16 (Prospective juror excused.)

17 THE COURTROOM DEPUTY: Juror 8.

18 (Prospective juror approaches sidebar.)

19 THE COURT: Good afternoon, Juror Number 8.

20 THE PROSPECTIVE JUROR: Good afternoon.

21 THE COURT: Thank you, I appreciate your patience.
22 You raised your paddle a couple times, I think.

23 THE PROSPECTIVE JUROR: I'm sorry, sir, my English
24 not so good.

25 THE COURT: Your English isn't good enough to

JURY SELECTION - SIDEBAR

1 follow? I appreciate that. You are excused. Please give the
2 paddle to my law clerk. Go back to the second floor.

3 THE PROSPECTIVE JUROR: Thank you for the
4 opportunity.

5 THE COURT: Well, thank you.

6 (Prospective juror excused.)

7 THE COURTROOM DEPUTY: Juror 9.

8 (Prospective juror approaches sidebar.)

9 THE COURT: Good afternoon. How are you? Thank
10 you, Juror Number 9. I appreciate your patience.

11 Did you raise your paddle for any issues?

12 THE PROSPECTIVE JUROR: Just for the -- I know law
13 enforcement officers because I am a law enforcement officer.

14 THE COURT: You are a law enforcement officer?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: What do you do?

17 THE PROSPECTIVE JUROR: I'm a court officer at the
18 family court, actually down the block over here.

19 THE COURT: You are a court officer at the family
20 court?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: I'm going to excuse you from service in
23 this case. I thank you for coming in and we will get you a
24 nice contract dispute to work on. Thank you.

25 THE PROSPECTIVE JUROR: Thank you.

JURY SELECTION - SIDEBAR

1 THE COURT: Please head down to the second floor.

2 Thanks.

3 (Prospective juror excused.)

4 THE COURTROOM DEPUTY: Juror 10.

5 (Prospective juror approaches sidebar.)

6 THE COURT: Good afternoon. Thank you for your
7 patience, sir.

8 I saw you raised your paddle a couple times. Tell
9 you what you've got.

10 THE PROSPECTIVE JUROR: My best friend -- best man
11 at my wedding is in the FBI Foreign Intelligence Unit. Years
12 of friendship, stories, I just could not consider myself to be
13 impartial.

14 THE COURT: We will find a nice contract dispute for
15 you to work on, but not this case. Give the paddle to my law
16 clerk and go back to the second floor. Thank you.

17 (Prospective juror excused.)

18 THE COURTROOM DEPUTY: Juror 11.

19 (Prospective juror approaches sidebar.)

20 THE COURT: Good afternoon, Juror 11. Thank you for
21 your patience. I appreciate it.

22 I saw you raised your paddle a couple times. What
23 are your issues?

24 THE PROSPECTIVE JUROR: I just raised mine once.

25 THE COURT: Just once, okay. What's your issue?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: Not really any issues.

2 THE COURT: What did you raise your paddle on?

3 THE PROSPECTIVE JUROR: I think if you have any -- I
4 guess one side or the other.

5 THE COURT: Do you have any views about one side or
6 the other?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Do you have such views?

9 THE PROSPECTIVE JUROR: I hear negative views on the
10 news a lot about ISIS.

11 THE COURT: Do you have negative views about ISIS?

12 THE PROSPECTIVE JUROR: Yeah.

13 THE COURT: Could you put those aside in terms of
14 being fair to this defendant in this case?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: Okay, we'll let you serve. Why don't
17 you go to the seat next to the juror there. Okay? In the
18 second seat there.

19 (Prospective juror returns to seat.)

20 THE COURTROOM DEPUTY: Juror number 12.

21 MS. SHARKEY: Judge, this is the most efficient --

22 THE COURT: Whoa, whoa.

23 MS. SHARKEY: -- jury selection.

24 THE COURT: I'm trying. I'm trying. I have to give
25 you a fair and impartial jury. That's what I'm working on.

JURY SELECTION - SIDEBAR

1 MS. SHARKEY: I didn't mean to --

2 THE COURT: No, no, that's all right.

3 (Prospective juror approaches sidebar.)

4 THE COURT: Come forward, sir. How are you? I
5 appreciate your patience, Juror Number 12.

6 Did you raise your paddle on any issues?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: Is there any reason you could not be a
9 fair and impartial juror in this case?

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: Okay, we'll let you serve. Thank you.
12 Please go to your seat there. Thanks.

13 (Prospective juror returns to seat.)

14 THE COURTROOM DEPUTY: Juror 13.

15 (Prospective juror approaches sidebar.)

16 THE COURT: Hello. How are you? Thank you, Juror
17 13.

18 THE PROSPECTIVE JUROR: Good. How are you?

19 THE COURT: I think you raised your paddle a number
20 of times? Tell us what your issues are.

21 THE PROSPECTIVE JUROR: Childcare. I got a
22 seven-month and a five-year-old at home. My father's an
23 attorney.

24 THE COURT: What kind of an attorney?

25 THE PROSPECTIVE JUROR: He does personal injury.

JURY SELECTION - SIDEBAR

1 THE COURT: Personal injury. I know you've got the
2 young kids.

3 THE PROSPECTIVE JUROR: Yeah.

4 THE COURT: Do you have childcare to take care of
5 that over the next two weeks?

6 THE PROSPECTIVE JUROR: Two weeks is going to be an
7 issue. That's a really big issue.

8 THE COURT: You have to tell me, could you do it?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: Well, in that case, we'll excuse you.

11 THE PROSPECTIVE JUROR: Thank you.

12 THE COURT: Give the paddle to my law clerk, go back
13 to the second floor, and say hi to your kids.

14 THE PROSPECTIVE JUROR: Okay.

15 THE COURT: You can give the pen to my law clerk,
16 too. Thanks.

17 THE PROSPECTIVE JUROR: Thank you.

18 (Prospective juror excused.)

19 THE COURTROOM DEPUTY: Juror 14.

20 (Prospective juror approaches sidebar.)

21 THE COURT: Hello. Thank you for your patience. I
22 appreciate it.

23 THE PROSPECTIVE JUROR: You're welcome. I'm
24 freezing.

25 THE COURT: I'm sorry about that. We get

JURY SELECTION - SIDEBAR

1 complaints: It's too cold, it's too hot. You know, I wear
2 this thing so I never really quite know.

3 Tell me if you have any issues that would prevent
4 you from serving in this case.

5 THE PROSPECTIVE JUROR: The only major issue that I
6 have, one is the commitment of vacation, but the other thing
7 is my son-in-law was a Green Beret, spent two tours in Iraq,
8 came back with really bad PTSD. An IED -- he head a injury
9 and it's destroyed my family, pretty much, so that whole ISIS
10 thing has a real -- it's --

11 THE COURT: I can understand that. I thank him and
12 you and your whole family for your service. We will excuse
13 you from this case; we will find a nice contract dispute case
14 for you to work on.

15 THE PROSPECTIVE JUROR: I don't mind that.

16 THE COURT: I can understand that.

17 THE PROSPECTIVE JUROR: It's destroyed my family.

18 THE COURT: I'm sorry. Go back to the second floor,
19 please. Thank you, ma'am.

20 (Prospective juror excused.)

21 THE COURT: Why don't you bring him back.

22 THE COURTROOM DEPUTY: Sir?

23 (Prospective juror approaches sidebar.)

24 THE COURT: Juror Number 11, you said that you have
25 an issue you want --

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: No, no, no. Not -- not --
2 just, like, we haven't been released for lunch yet, but we are
3 getting --

4 THE COURT: You know what, if you're on this jury,
5 we're going to actually buy your lunch.

6 THE PROSPECTIVE JUROR: Oh, okay.

7 THE COURT: Hang in there and I'm going to move it
8 along. Look at me, you know I like to eat.

9 (Prospective juror returns to seat.)

10 THE COURTROOM DEPUTY: Juror 15.

11 (Prospective juror approaches sidebar.)

12 THE COURT: Good afternoon. Thank you very much,
13 sir.

14 Did you raise your paddle for any issues?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: No? Okay. Any reason you could not
17 serve in a case like this?

18 THE PROSPECTIVE JUROR: I don't think so.

19 THE COURT: Okay. Well, then, we'll let you serve.
20 Thank you. Go sit in that seat next to that gentleman.

21 (Prospective juror returns to seat.)

22 THE COURTROOM DEPUTY: Juror 16.

23 (Prospective juror approaches sidebar.)

24 THE COURT: Good afternoon, Juror 16. Thank you for
25 your patience.

JURY SELECTION - SIDEBAR

1 I think I saw you raise your paddle a couple times.
2 What are your issues?

3 THE PROSPECTIVE JUROR: I'm honestly not
4 comfortable, like -- I'm not comfortable at all.

5 THE COURT: You are not comfortable? Why not? And
6 just generally.

7 THE PROSPECTIVE JUROR: I guess I'm a little
8 worried.

9 THE COURT: You're a little worried? About?

10 THE PROSPECTIVE JUROR: I guess the actual case.

11 THE COURT: Okay, but could you be fair and
12 impartial in an actual case, or do you think that your worry
13 would make you be unfair and --

14 THE PROSPECTIVE JUROR: Right.

15 THE COURT: You don't think you could be fair?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: Okay. If you couldn't be fair, then
18 we'll excuse you. Thank you. Give the paddle to my courtroom
19 assistant and go back to the second floor. Thanks.

20 THE PROSPECTIVE JUROR: Thank you.

21 (Prospective juror excused.)

22 THE COURTROOM DEPUTY: Juror 17.

23 (Prospective juror approaches sidebar.)

24 THE COURT: Good afternoon, Juror 17. Thank you for
25 your patience.

JURY SELECTION - SIDEBAR

1 I think I saw you raise your paddle once or twice.

2 What are your issues?

3 THE PROSPECTIVE JUROR: No, I didn't have any.

4 THE COURT: Oh, you didn't, okay. Do you have any
5 issues? Any ability or inability to serve in a case like
6 this?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: You're willing to serve?

9 THE PROSPECTIVE JUROR: I am.

10 THE COURT: Then you can serve. Thank you. You get
11 to sit in that seat.

12 Mr. Jackson, will you seat the juror? Thank you.

13 (Prospective juror returns to seat.)

14 THE COURTROOM DEPUTY: Juror 18.

15 (Prospective juror approaches sidebar.)

16 THE COURT: Good afternoon, Juror 18. Thank you so
17 much for your service, appreciate your time.

18 So tell us, did you raise your paddle for any
19 issues?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: Okay. Are you able to serve in a case
22 like this and be fair?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay, we'll let you serve. Thank you.

25 THE PROSPECTIVE JUROR: Thank you, sir.

JURY SELECTION - SIDEBAR

1 THE COURT: Go sit next to that gentleman.

2 (Prospective juror returns to seat.)

3 THE COURTROOM DEPUTY: Juror 19.

4 (Prospective juror approaches sidebar.)

5 THE COURT: Good afternoon. How are you, sir?

6 THE PROSPECTIVE JUROR: Good.

7 THE COURT: Did you raise your paddle for any of
8 those issues?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: Tell us what they were, please.

11 THE PROSPECTIVE JUROR: This trial will last, I
12 think, for two weeks?

13 THE COURT: Two weeks, sir.

14 THE PROSPECTIVE JUROR: During this trial, you know,
15 I'm missing my two prayers. I'm religious kind of person, you
16 know. I'm missing my two prayers every day. I never miss my
17 prayers.

18 THE COURT: I understand that.

19 THE PROSPECTIVE JUROR: Especially the Friday
20 prayer, I need to go to the mosque.

21 THE COURT: So you will be uncomfortable doing that?

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: All right, we will excuse you on that
24 basis. Thank you so much.

25 THE PROSPECTIVE JUROR: Thank you very much.

JURY SELECTION - SIDEBAR

1 THE COURT: You can give the paddle to my law clerk
2 and go back to the second floor. Thank you.

3 THE PROSPECTIVE JUROR: Thank you very much.

4 (Prospective juror excused.)

5 THE COURT: Okay, Mr. Jackson, you can call the next
6 one.

7 THE COURTROOM DEPUTY: Juror number 20.

8 (Prospective juror approaches sidebar.)

9 THE COURT: Hello. Come forward. Thank you for
10 your patience, Juror Number 20.

11 THE PROSPECTIVE JUROR: Thank you.

12 THE COURT: Did you raise your paddle on any issues?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Tell us about those.

15 THE PROSPECTIVE JUROR: I work for the police
16 department.

17 THE COURT: You work for the police department?

18 THE PROSPECTIVE JUROR: (No verbal response.)

19 THE COURT: What do you do for them?

20 THE PROSPECTIVE JUROR: Associate investigator.

21 THE COURT: Okay, well, keep up your service. Thank
22 you for coming in. You are excused from this jury.

23 THE PROSPECTIVE JUROR: Thank you.

24 THE COURT: Hand the paddle to my law clerk and head
25 back to the second floor.

JURY SELECTION - SIDEBAR

THE PROSPECTIVE JUROR: Thank you.

(Prospective juror excused.)

(Continued on next page.)

JURY SELECTION - SIDEBAR

1 (Sidebar conference held on the record out of the
2 hearing of the prospective jurors.)

3 THE COURTROOM DEPUTY: Juror 21.

4 (Prospective juror approaches sidebar.)

5 THE COURT: Hello, Juror 21. Thank you for your
6 service.

7 Did you raise your paddle on any issues?

8 THE PROSPECTIVE JUROR: Yes, Judge.

9 THE COURT: Tell us about that.

10 THE PROSPECTIVE JUROR: I had childhood friends who
11 died in 9/11 and al-Qaeda was involved in that plot, so
12 anybody that's associated with terrorist organizations, I
13 tried very much to try to block that out of my mind, but
14 psychologically as much as I try to look at the evidence, I
15 think I have a little bias in the back of my head.

16 THE COURT: You don't think you could be fair in an
17 ISIS case, is that what you're telling me? You've got to tell
18 me --

19 THE PROSPECTIVE JUROR: No, no, it's just I --

20 THE COURT: -- look me in the eye and tell me.

21 THE PROSPECTIVE JUROR: I think I'd try to be but
22 yet in the back of mind psychologically I think that will
23 definitely in come in my judgment.

24 THE COURT: You don't think you could be fair when
25 all is said and done. You've got to tell me the truth.

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: I don't think so.

2 THE COURT: Okay. Then I will excuse you from
3 service. We'll get you a nice contract case to work on.

4 Give the paddle to my law clerk and go back to the
5 second floor. Thank you.

6 (Prospective juror excused.)

7 THE COURTROOM DEPUTY: Juror 22.

8 (Prospective juror approaches sidebar.)

9 THE COURT: Good afternoon, sir.

10 THE PROSPECTIVE JUROR: Good afternoon.

11 THE COURT: Appreciate your patience.

12 Did you raise your paddle for any issues?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Tell us about those.

15 THE PROSPECTIVE JUROR: Financial issues. Like,
16 right now I --

17 THE COURT: You don't have to show me.

18 THE PROSPECTIVE JUROR: Okay. Base salary I need
19 the overtime so I get a minimum two hours every day, so I'm
20 breadwinner. My wife works two part-time jobs.

21 THE COURT: You couldn't do two-week jury service.

22 THE PROSPECTIVE JUROR: Definitely not.

23 THE COURT: Then you're definitely, sir.

24 THE PROSPECTIVE JUROR: Thank you, sir.

25 THE COURT: Give that paddle to my law clerk and go

JURY SELECTION - SIDEBAR

1 back the second floor.

2 THE PROSPECTIVE JUROR: Do I --

3 THE COURT: They'll tell you.

4 THE PROSPECTIVE JUROR: Thank you.

5 (Prospective juror excused.)

6 THE COURTROOM DEPUTY: Juror 23.

7 (Prospective juror approaches sidebar.)

8 THE PROSPECTIVE JUROR: Good afternoon.

9 THE COURT: Good afternoon, sir. Thank you for
10 patience, I appreciate it.

11 THE PROSPECTIVE JUROR: No problem.

12 THE COURT: You raised your paddle a couple of times
13 I think.

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: Tell us about those issues.

16 THE PROSPECTIVE JUROR: Well, the main one is that I
17 have a medical issue, I'm on the dialysis.

18 THE COURT: I'm sorry.

19 THE PROSPECTIVE JUROR: And I'm in the last -- the
20 third session.

21 THE COURT: You don't have to say anymore because my
22 brother is also on dialysis. You are excused.

23 THE PROSPECTIVE JUROR: I wouldn't mind but it
24 starts at five.

25 THE COURT: No, no, you are excused. We go to five

JURY SELECTION - SIDEBAR

1 every day but we don't break early so you are absolutely
2 excused from service. God bless you and good luck. I know
3 what that's like.

4 THE PROSPECTIVE JUROR: Thank you.

5 THE COURT: Thank you. You can give the paddle to
6 my law clerk and go back to the second floor.

7 (Prospective juror excused.)

8 THE COURTROOM DEPUTY: Juror 24.

9 (Prospective juror approaches sidebar.)

10 THE COURT: Please come forward.

11 THE PROSPECTIVE JUROR: Judge, everybody, how you
12 all doing.

13 THE COURT: We're doing just fine, sir.

14 How are you, juror 24.

15 THE PROSPECTIVE JUROR: I'm doing fine.

16 THE COURT: Okay. Tell us what your issues are. I
17 see you raised your paddle.

18 THE PROSPECTIVE JUROR: So quick fast, my wife is
19 about to have a kid in about eight weeks, we have all type of
20 birth classes leading up to that, this is just not a good time
21 for you.

22 THE COURT: Well, if it's not a good time for you
23 God bless you and your wife. You're excused.

24 THE PROSPECTIVE JUROR: Thank you, sir.

25 THE COURT: Give the paddle to my law clerk and go

JURY SELECTION - SIDEBAR

1 back to the second floor. God bless.

2 (Prospective juror excused.)

3 THE COURTROOM DEPUTY: Juror 25.

4 (Prospective juror approaches sidebar.)

5 THE COURT: Good afternoon, Juror 25. Thank you for
6 your patience.

7 I saw you raised your paddle a couple of times.
8 Come forward, tell us what your issues are.

9 THE PROSPECTIVE JUROR: I'm going to be out of town
10 next week. I also have very immense biases against our law
11 enforcement and government and foreign policy.

12 THE COURT: Well, if you have biases and you're
13 going to be out of the town for sure you won't be able to
14 serve on this jury. Thank you very much.

15 Give your paddle to my law clerk, go back to the
16 second floor.

17 THE PROSPECTIVE JUROR: Great, all right.

18 THE COURTROOM DEPUTY: Thank you.

19 (Prospective juror excused.)

20 THE COURTROOM DEPUTY: Juror 26.

21 THE COURT: Good afternoon, Juror 26. Please come
22 forward. Thank you very much, young lady. Did you raise your
23 paddle on any issues?

24 THE PROSPECTIVE JUROR: I don't understand nothing,
25 sorry.

JURY SELECTION - SIDEBAR

1 THE COURT: You don't understand. You know what?
2 You're excused. You can go back to the second floor. Give
3 the paddle to my law clerk, go back to the second floor jury
4 room. Thank you.

5 THE PROSPECTIVE JUROR: Okay, thank you, second
6 floor.

7 THE COURT: Yes.

8 (Prospective juror excused.)

9 THE COURTROOM DEPUTY: Juror 27.

10 (Prospective juror approaches sidebar.)

11 THE COURT: Good afternoon, sir. Thank you for your
12 patience.

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Did you raise your paddle on any issues?

15 THE PROSPECTIVE JUROR: I did.

16 THE COURT: Tell us about those.

17 THE PROSPECTIVE JUROR: God, you know, most -- just
18 saying yes to most of the questions, I'd say thinking through
19 probably the only thing that I think is really relevant is
20 that one of my good friends has been involved in -- she was
21 the only civilian on New York's Antiterrorism Task Force and
22 was investigating these cases for probably a decade --

23 THE COURT: Okay.

24 THE PROSPECTIVE JUROR: -- and she probably stopped
25 a year and a half ago.

JURY SELECTION - SIDEBAR

1 THE COURT: Did you ever discuss her work with her?
2 And what's your relationship with her, friendship, more than
3 friendship, other than friendship?

4 THE PROSPECTIVE JUROR: Friendship, I've known her
5 for 15 years.

6 THE COURT: Not a family member.

7 THE PROSPECTIVE JUROR: Not a family member.

8 THE COURT: Could you be fair and impartial in a
9 case like this? Only you can tell us.

10 THE PROSPECTIVE JUROR: Yeah, I'd say the only
11 concern that I have is the means with which she used to
12 collect information --

13 THE COURT: Right.

14 THE PROSPECTIVE JUROR: -- has now become illegal.

15 THE COURT: Yes.

16 THE PROSPECTIVE JUROR: So I would be very concerned
17 about that in a case like this. The legality under which
18 information has been collected, because I've had discussions
19 with her about that.

20 THE COURT: Okay.

21 THE PROSPECTIVE JUROR: And ultimately it made it
22 very hard for her to do her job not having the information.

23 THE COURT: It's called a Constitution sometimes,
24 you know, we're kind of tough about enforcing it --

25 THE PROSPECTIVE JUROR: I agree with it.

JURY SELECTION - SIDEBAR

1 THE COURT: -- we, people appointed for life for
2 good behavior.

3 THE PROSPECTIVE JUROR: Totally.

4 THE COURT: Could you follow my instructions on the
5 law in a case like this?

6 THE PROSPECTIVE JUROR: Yeah, yeah, I could.

7 THE COURT: And you would.

8 THE PROSPECTIVE JUROR: Yeah, I would.

9 THE COURT: Then you'll be able to serve.

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay. You can go sit next to that juror
12 there.

13 THE PROSPECTIVE JUROR: Okay. Thank you.

14 THE COURT: Thank you, sir.

15 (Prospective juror returns to seat.)

16 THE COURTROOM DEPUTY: Juror 28.

17 (Prospective juror approaches sidebar.)

18 THE COURT: Good afternoon, Juror 28. Thank you
19 very much, young lady.

20 Did you raise your paddle on any issues?

21 THE PROSPECTIVE JUROR: Yes, I understand 60 percent
22 English but the 40 percent I -- my vocabulary is not enough.

23 THE COURT: Well, you know what? We have to have
24 you understanding a hundred percent.

25 THE PROSPECTIVE JUROR: Yes.

JURY SELECTION - SIDEBAR

1 THE COURT: So I understand, I appreciate your
2 candor. You're excused.

3 Give the paddle to my law clerk and go back to the
4 second floor. Thank you.

5 (Prospective juror excused.)

6 THE COURTROOM DEPUTY: Juror 29.

7 (Prospective juror approaches sidebar.)

8 THE COURT: Good afternoon, Juror 29.

9 THE PROSPECTIVE JUROR: Hello.

10 THE COURT: Thank you. Appreciate your patience.

11 Did you raise your paddle for any issues?

12 THE PROSPECTIVE JUROR: Yes. So I'm starting a new
13 job I --

14 THE COURT: When you do start?

15 THE PROSPECTIVE JUROR: I'm starting -- supposed to
16 have been today --

17 THE COURT: Oh, okay.

18 THE PROSPECTIVE JUROR: -- and I don't know if they
19 give me more than five day's pay.

20 THE COURT: What's the new job, if I may ask?

21 THE PROSPECTIVE JUROR: It's human resource.

22 THE COURT: Where if I may ask, or generally?

23 THE PROSPECTIVE JUROR: In Times Square.

24 THE COURT: City, private?

25 THE PROSPECTIVE JUROR: Times Square --

JURY SELECTION - SIDEBAR

1 THE COURT: Say no more. You're starting a new job,
2 we'll excuse you.

3 Give the paddle to my law clerk and head down to the
4 second floor.

5 THE PROSPECTIVE JUROR: Thanks.

6 (Prospective juror excused.)

7 THE COURTROOM DEPUTY: Juror 30.

8 (Prospective juror approaches sidebar.)

9 THE COURT: Good afternoon, thank you for your
10 patience, Juror 30.

11 Did you raise your paddle on any of those issues?

12 THE PROSPECTIVE JUROR: I did.

13 THE COURT: Tell us about those just generally.

14 THE PROSPECTIVE JUROR: My boyfriend is in the
15 Marine Corps, he just go home from Afghanistan. He spent all
16 of last year there --

17 THE COURT: I want you to spend time with him and
18 not here --

19 THE PROSPECTIVE JUROR: Thank you very much.

20 THE COURT: -- you're excused. Give your paddle to
21 my law clerk and you can go back to the second floor, and
22 Oorah.

23 THE PROSPECTIVE JUROR: I appreciate it.

24 (Prospective juror excused.)

25 THE COURTROOM DEPUTY: Juror 31.

JURY SELECTION - SIDEBAR

1 (Prospective juror approaches sidebar.)

2 THE COURT: Good afternoon, sir.

3 THE PROSPECTIVE JUROR: Good afternoon, Your Honor.

4 THE COURT: Thank you very much for your patience, I
5 appreciate it, Juror 31. Did you raise your paddle on any of
6 those issues?

7 THE PROSPECTIVE JUROR: Yes, I did.

8 THE COURT: Tell us about those.

9 THE PROSPECTIVE JUROR: I was arrested, the case was
10 dismissed back in 2006 I believe.

11 THE COURT: I'm sorry you were arrested. Glad the
12 case was dismissed. Any other issues?

13 THE PROSPECTIVE JUROR: Yes, it was home invasion in
14 my apartment.

15 THE COURT: Did they catch the invaders?

16 THE PROSPECTIVE JUROR: Probably not. I have no
17 idea.

18 THE COURT: Sorry about that. Any other issues?

19 THE PROSPECTIVE JUROR: I went to school in the
20 former Soviet Union, I don't know if that disqualifies me.

21 THE COURT: I don't know why it would.

22 THE PROSPECTIVE JUROR: I can be honest and fair. I
23 visited Uzbekistan several times.

24 THE COURT: Do you have any views about Uzbekistan
25 that would impact --

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: Not really --

2 THE COURT: -- your thinking here.

3 THE PROSPECTIVE JUROR: -- no.

4 THE COURT: Anything else?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: You can serve. Thank you. Why don't
7 you go sit in that seat.

8 (Prospective juror returns to seat.)

9 THE COURT REPORTER: Mr. Jackson, you should move
10 him to the seat he is going to sit in.

11 THE COURTROOM DEPUTY: He's going to get his
12 property.

13 (Juror approaches sidebar.)

14 THE PROSPECTIVE JUROR: Hello, guys.

15 THE COURT: Hello, how are you.

16 THE PROSPECTIVE JUROR: Good.

17 THE COURT: Juror number 32.

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: I believe you raised your paddle on an
20 issue or two, tell us about that.

21 THE PROSPECTIVE JUROR: Which one was it? Oh, I
22 think it's a doctor's appointment.

23 THE COURT: Tell us about that.

24 THE PROSPECTIVE JUROR: Well, I have vascular vein
25 problem that I have to -- I can't do the walking too much and

JURY SELECTION - SIDEBAR

1 on the steps and all, so I have an appointment for next week,
2 so...

3 THE COURT: Would you be able to serve on a two-week
4 trial and reschedule your appointment? It's not going to go
5 any longer than two weeks, trust me on that, it will not go
6 any longer than two weeks.

7 THE PROSPECTIVE JUROR: One of the problem is the
8 walking.

9 THE COURT: Okay.

10 THE PROSPECTIVE JUROR: It's the walking, like, up
11 the steps and stuff like that. You know, honestly --

12 THE COURT: Do you think -- the real question I'm
13 asking, do you think you could do it for two weeks, come into
14 this court and be on this jury, or would it be impossible?
15 Only you can tell us.

16 THE PROSPECTIVE JUROR: Yeah, it will be --

17 THE COURT: Impossible.

18 THE PROSPECTIVE JUROR: Yes, yes.

19 THE COURT: Then we'll excuse you, please give the
20 paddle to my law clerk. Go back to the second floor.

21 THE PROSPECTIVE JUROR: Thank you.

22 THE COURT: Thank you, ma'am.

23 (Prospective juror excused.)

24 THE COURTROOM DEPUTY: Juror 33.

25 (Prospective juror approaches sidebar.)

JURY SELECTION - SIDEBAR

1 THE COURT: Good afternoon, Juror 33.

2 THE PROSPECTIVE JUROR: Hi, Your Honor.

3 THE COURT: Thank you for your patience.

4 Did you raise your paddle on any issues?

5 THE PROSPECTIVE JUROR: I have a cousin in law
6 enforcement, he's out in California.

7 THE COURT: Anything about that relationship that
8 would make it impossible for you to serve here?

9 THE PROSPECTIVE JUROR: No, it wouldn't.

10 THE COURT: Anything else that you raised your
11 paddle on?

12 THE PROSPECTIVE JUROR: Not really. I mean, I
13 wouldn't say it's impossible I can serve --

14 THE COURT: That's what I'm asking.

15 THE PROSPECTIVE JUROR: Yeah. I'm a high school
16 teacher, I teach advanced placement. It would be difficult on
17 my students if I was gone for two weeks.

18 THE COURT: Okay. But you could do it and then you
19 would have lots of great stories to tell them afterwards about
20 jury service and the importance of service.

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: You can serve, thank you. Go back to
23 your seat and sit down. Mr. Jackson, seat him.

24 (Prospective juror returns to seat.)

25 THE COURTROOM DEPUTY: Juror number 34.

JURY SELECTION - SIDEBAR

1 (Prospective juror approaches sidebar.)

2 THE COURT: Good afternoon, Juror 34. Thank you
3 your service and your patience.

4 Did you raise your paddle for any issues?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Tell us about those.

7 THE PROSPECTIVE JUROR: One is I'm a single mom two
8 weeks would kill me and then like the car pooling and stuff
9 like that would hurt also.

10 THE COURT: Just too hard to do?

11 THE PROSPECTIVE JUROR: Yeah.

12 THE COURT: I got it. You're excused.

13 THE PROSPECTIVE JUROR: Thank you.

14 THE COURT: Give your paddle to my clerk and go back
15 to the second floor. Thanks.

16 (Prospective juror excused.)

17 THE COURTROOM DEPUTY: Juror 35.

18 (Prospective juror approaches sidebar.)

19 THE COURT: Good afternoon.

20 THE PROSPECTIVE JUROR: Good afternoon.

21 THE COURT: Please come forward. I appreciate your
22 patience, Juror 34.

23 So did you raise your paddle for any issues?

24 THE PROSPECTIVE JUROR: No, I didn't.

25 THE COURT: Is there any reason you could not serve

JURY SELECTION - SIDEBAR

1 in a case like this.

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: Okay, any issues?

4 THE PROSPECTIVE JUROR: I may have to have some kind
5 of surgery done, it's a one-day thing I'm not sure of the
6 exact date, sometime next week.

7 THE COURT: Well, we have to have two weeks
8 committed to this trial, it may end a little sooner but you
9 have to be able to be here this week and all of next week for
10 sure. You have to be able to block that time. And this is
11 elective surgery you would have to move it beyond that, but
12 only you can tell us if you can serve.

13 THE PROSPECTIVE JUROR: Okay.

14 THE COURT: We can't like let you go on a given day
15 to have it done. You'd have to be here this week and next
16 week and that's a real commitment.

17 THE PROSPECTIVE JUROR: Okay. So I don't think I
18 would be able to.

19 THE COURT: You don't think so?

20 THE PROSPECTIVE JUROR: Yeah.

21 THE COURT: We'll excuse you, give your paddle back
22 to the law clerk and go back to the second floor.

23 THE PROSPECTIVE JUROR: Thank you.

24 (Prospective juror excused.)

25 THE COURTROOM DEPUTY: Juror 36.

JURY SELECTION - SIDEBAR

1 THE COURT: Mr. Jackson, ask Juror 110 to come
2 forward. We have one question.

3 Hang on one second, I'm sorry.

4 (Prospective juror approaches sidebar.)

5 THE COURT: You can come up. I'm sorry, we're
6 taking you out of turn, Juror 110, you asked to be heard.

7 Is there some issue you want to address to the
8 Court?

9 THE PROSPECTIVE JUROR: Yes, I have high blood
10 pressure.

11 THE COURT: High blood pressure, you can't serve?

12 THE PROSPECTIVE JUROR: No, no, not that, it's just
13 that I need to eat something and I'm a 110 and I'm light
14 headed.

15 THE COURT: You know what? I'm going to excuse you
16 from service. You're excused. You can give the paddle to my
17 law clerk and go back to the second floor.

18 THE PROSPECTIVE JUROR: Okay.

19 THE COURT: Thank you.

20 THE PROSPECTIVE JUROR: Thank you so much.

21 (Prospective juror excused.)

22 (Prospective juror approaches sidebar.)

23 THE COURT: Thank you, Juror 36, appreciate your
24 patience.

25 Did you raise your paddle on any of those issues?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: Just one.

2 THE COURT: Tell us about that.

3 THE PROSPECTIVE JUROR: I was just -- was anybody
4 arrested.

5 THE COURT: You were going to be arrested.

6 THE PROSPECTIVE JUROR: No, no, was anybody
7 arrested --

8 THE COURT: Was anybody arrested.

9 THE PROSPECTIVE JUROR: Was anybody arrest or
10 somebody that you know was arrested, I raised my paddle for
11 that one.

12 THE COURT: Tell us about that generally, were you
13 arrested?

14 THE PROSPECTIVE JUROR: I was arrested five years
15 ago.

16 THE COURT: All right. What was the outcome of
17 that?

18 THE PROSPECTIVE JUROR: Nothing.

19 THE COURT: The case dismissed.

20 THE PROSPECTIVE JUROR: Yes -- no, I'm sorry,
21 disorderly conduct.

22 THE COURT: Disorderly conduct. Anything about that
23 experience that would make it difficult or impossible for you
24 to be fair and impartial in a case like this?

25 THE PROSPECTIVE JUROR: No.

JURY SELECTION - SIDEBAR

1 THE COURT: Any other issues involving law
2 enforcement one way or the other?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: You can serve. Why don't you go sit
5 down next to the juror.

6 (Prospective juror returns to seat.)

7 THE COURTROOM DEPUTY: Juror 37.

8 (Prospective juror approaches sidebar.)

9 THE COURT: Good afternoon. Thank you, juror 37 for
10 your patience, appreciate it.

11 Did you raise your paddle on any issues?

12 THE PROSPECTIVE JUROR: Yeah.

13 THE COURT: Tell us about those.

14 THE PROSPECTIVE JUROR: The context of --
15 institutions like -- sorry, very nervous.

16 THE COURT: Take your time.

17 THE PROSPECTIVE JUROR: Being able to be totally
18 objectionable about -- sorry.

19 THE COURT: As I say to people, I sound a little
20 like James Earl Jones, Darth Vader, but I look just like
21 Denzel Washington, so it's all cool.

22 Take a deep breath, everybody can laugh about it.
23 Take a deep breathe and just relax. Tell us what your issues
24 are.

25 THE PROSPECTIVE JUROR: It would ultimately be hard

JURY SELECTION - SIDEBAR

1 to decide this case without any other kind of context from
2 police officers, from institutions, from the Federal Court
3 systems and the biases baked into those, so it would be really
4 difficult for me to make a decision without any of those kind
5 of previously beliefs or context.

6 THE COURT: Well, could you be fair and impartial in
7 this case?

8 THE PROSPECTIVE JUROR: I mean, I would try
9 definitely. I'm glad that --

10 THE COURT: But could you do it? You have to look
11 me in the eye and tell me that you could.

12 THE PROSPECTIVE JUROR: I think so.

13 THE COURT: You think you could?

14 THE PROSPECTIVE JUROR: I think so, yeah.

15 THE COURT: Well, then I think you could too, so
16 have a seat.

17 THE PROSPECTIVE JUROR: All right.

18 (Prospective juror returns to seat.)

19 THE COURTROOM DEPUTY: Juror 38.

20 (Prospective juror approaches sidebar.)

21 THE COURT: Thank you, Juror 38, for your patience I
22 appreciate that.

23 Did you have any issues that you raised your paddle
24 on?

25 THE PROSPECTIVE JUROR: Um, I don't remember. Yes.

JURY SELECTION - SIDEBAR

1 THE COURT: You don't remember.

2 THE PROSPECTIVE JUROR: I don't remember.

3 THE COURT: Any issues?

4 THE LAW CLERK: Relationship with law enforcement.

5 THE COURT: Relationship with law enforcement, do
6 you have any.

7 THE PROSPECTIVE JUROR: Yeah I have a best friend
8 that's a CO.

9 THE COURT: Anything about that relationship that
10 would make it difficult or impossible for you to be fair in a
11 case like this?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: Okay. You can serve. Thank you.

14 (Prospective juror returns to seat.)

15 THE COURTROOM DEPUTY: Juror 39.

16 (Prospective juror approaches sidebar.)

17 THE COURT: Good afternoon, Juror 39.

18 THE PROSPECTIVE JUROR: Hi.

19 THE COURT: Thank you for your patience.

20 THE PROSPECTIVE JUROR: Sure.

21 THE COURT: Did you raise your paddle on any of the
22 issues?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: Tell us about those.

25 THE PROSPECTIVE JUROR: I'm a lawyer.

JURY SELECTION - SIDEBAR

1 THE COURT: Where do you work?

2 THE PROSPECTIVE JUROR: Right now I'm teaching but I
3 worked at South Brooklyn Legal Services, did a three-week jury
4 trial in this building a couple of years ago.

5 THE COURT: Congratulations, I'm sure you did very
6 well. I'm sure you're a fine lawyer. I will excuse you from
7 service in this case.

8 THE PROSPECTIVE JUROR: I had a feeling.

9 THE COURT: Please give the paddle to my law clerk
10 and go back to the second floor.

11 THE PROSPECTIVE JUROR: Okay, I will. Thanks.

12 (Prospective juror excused.)

13 THE COURTROOM DEPUTY: Juror 40.

14 (Prospective juror approaches sidebar.)

15 THE COURT: Thank you for your patience, Juror 40,
16 we appreciate it.

17 Did you raise your paddle for any issues?

18 THE PROSPECTIVE JUROR: I did.

19 THE COURT: Tell us about those.

20 THE PROSPECTIVE JUROR: I think one of the -- I
21 think the thing that I have to consider my father-in-law was a
22 police officer for many years.

23 THE COURT: Here in New York?

24 THE PROSPECTIVE JUROR: Yes, New York City.

25 THE COURT: Yes, sir.

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: And my cousin is actually in
2 Iraq at this time.

3 THE COURT: Okay.

4 THE PROSPECTIVE JUROR: The other consideration I
5 have -- and, you know, I realize you had said that we had a
6 two-week period for this.

7 THE COURT: Yes.

8 THE PROSPECTIVE JUROR: I actually have surgery
9 scheduled for October the 4th.

10 THE COURT: We'll be done.

11 THE PROSPECTIVE JUROR: I had a stroke last year --

12 THE COURT: I'm so sorry.

13 THE PROSPECTIVE JUROR: -- and we just kind of
14 delayed the surgery until now, but I realize we'll be done by
15 then so I mean --

16 THE COURT: We will definitely be done by then.

17 Do you think you can serve in this case over the
18 next two weeks, this week and next?

19 THE PROSPECTIVE JUROR: I will do my best, yes.

20 THE COURT: Okay. We'll let you serve. Thank you,
21 you can sit down.

22 (Prospective juror returns to seat.)

23 THE COURTROOM DEPUTY: Juror 41.

24 (Prospective juror approaches sidebar.)

25 THE COURT: Thank you, Juror 41, I appreciate your

JURY SELECTION - SIDEBAR

1 patience.

2 Did you raise your paddle on any issues?

3 THE PROSPECTIVE JUROR: One -- not an issue I think
4 it's just do you know anyone who is in law enforcement.

5 THE COURT: Yes.

6 THE PROSPECTIVE JUROR: I raised my paddle for that
7 one.

8 THE COURT: Tell us about that, who do you know and
9 how do you know them?

10 THE PROSPECTIVE JUROR: My close friend of mine
11 Vitale he works for -- oh, I shouldn't mention names.

12 THE COURT: Don't mention names, just say a friend.

13 THE PROSPECTIVE JUROR: He works for NYPD.

14 THE COURT: Anything about that relationship that
15 would make it impossible for you to be fair in this case?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: Any other issues?

18 THE PROSPECTIVE JUROR: No other issues.

19 THE COURT: Okay. Then you can serve, thank you.
20 Mr. Jackson.

21 (Prospective juror returns to seat.)

22 THE COURTROOM DEPUTY: Juror number 42.

23 (Prospective juror approaches sidebar.)

24 THE COURT: Good afternoon.

25 THE PROSPECTIVE JUROR: Your Honor.

JURY SELECTION - SIDEBAR

1 THE COURT: Thank you very much.

2 Did you raise your paddle for any issues?

3 THE PROSPECTIVE JUROR: I did.

4 THE COURT: Tell us about those.

5 THE PROSPECTIVE JUROR: I raised it for hardship. I
6 have two children both school age, nine and six. I am the
7 before care and after care provider for them as well. So I
8 also live in Nassau, Eastern Nassau, so this is --

9 THE COURT: Schlep, to use the technical term.

10 THE PROSPECTIVE JUROR: To use the technical term,
11 it's a schlep, but -- so it is difficult to find coverage for
12 my children. Obviously they are too young to care for
13 themselves.

14 THE COURT: I understand.

15 THE PROSPECTIVE JUROR: They can't be left
16 unsupervised.

17 THE COURT: Your excused from service --

18 THE PROSPECTIVE JUROR: Thank you.

19 THE COURT: -- and a model to all men of your
20 generation.

21 THE PROSPECTIVE JUROR: Thank you very much.

22 THE COURT: Please give the paddle to my law clerk
23 and you can go downstairs to the second floor.

24 (Prospective juror excused.)

25 THE COURTROOM DEPUTY: Juror 43.

JURY SELECTION - SIDEBAR

1 (Prospective juror approaches sidebar.)

2 THE COURT: Hello.

3 THE PROSPECTIVE JUROR: Hi.

4 THE COURT: How are you? Did you raise your paddle
5 for any issues?

6 THE PROSPECTIVE JUROR: Yeah.

7 THE COURT: Tell us about those.

8 THE PROSPECTIVE JUROR: Yeah, because I'm working in
9 Taiwan military, I'm second lieutenant.

10 THE COURT: In the Taiwan military, second
11 lieutenant.

12 THE PROSPECTIVE JUROR: Yeah, I work on the carriers
13 for years.

14 THE COURT: So I appreciate your service, I respect
15 it. You're excused. Please give the paddle to my courtroom
16 deputy here, my law clerk and go back to the second floor.

17 Thank you.

18 THE PROSPECTIVE JUROR: Thank you.

19 (Prospective juror excused.)

20 THE COURTROOM DEPUTY: Juror 44.

21 (Prospective juror approaches sidebar.)

22 THE COURT: Hi, good afternoon.

23 THE PROSPECTIVE JUROR: Good afternoon.

24 THE COURT: Thank you very much, Juror 44.

25 Did you raise your paddle on any issue?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Tell us.

3 THE PROSPECTIVE JUROR: Well, I think the
4 immigration policy bothers me, the lack of enforcement so that
5 was an issue. Other than that, as an adjunct teacher I only
6 get paid for when I'm there so they would give my classes away
7 if it lasted more than two weeks, but that's a maybe. But on,
8 you know, accusation -- one of your questions that you asked
9 was if someone was arrested, why assume that they're guilty.

10 THE COURT: That they are guilty.

11 THE PROSPECTIVE JUROR: Now I think, I think I could
12 be fair, but that is my inclination they must have done
13 something.

14 THE COURT: In that case I will excuse you, I
15 appreciate your candor. Give the paddle to my law clerk --

16 THE PROSPECTIVE JUROR: Thanks very much.

17 THE COURT: -- and go back to the second floor.

18 Thank you.

19 (Prospective juror excused.)

20 THE COURTROOM DEPUTY: Juror 45.

21 (Prospective juror approaches sidebar.)

22 THE COURT: Good afternoon, Juror 45. Thank you for
23 your patience.

24 Did you raise your paddle and any of those issues?

25 THE PROSPECTIVE JUROR: I did.

JURY SELECTION - SIDEBAR

1 THE COURT: Tell us about those.

2 THE PROSPECTIVE JUROR: I think that I have a bias.
3 I'm conservative, I've been conservative. I have a son that
4 works in Southern District for a judge there. And I don't
5 think I could give an unbiased and fair trial.

6 THE COURT: Then I will excuse you from jury service
7 because every defendant and the government is entitled to fair
8 and impartial jurors. Thank you.

9 Give the paddle to my law clerk and go back to the
10 second floor.

11 THE PROSPECTIVE JUROR: Thank you.

12 (Prospective juror excused.)

13 THE COURTROOM DEPUTY: Juror 46.

14 (Prospective juror approaches sidebar.)

15 THE COURT: Good afternoon, Juror 46.

16 THE PROSPECTIVE JUROR: Hello.

17 THE COURT: Thank you for your patience.

18 THE PROSPECTIVE JUROR: Hi.

19 THE COURT: Did you raise your paddle on any issues?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Tell us about those.

22 THE PROSPECTIVE JUROR: The main one is -- I
23 actually brought the records --

24 THE COURT: I believe you.

25 THE PROSPECTIVE JUROR: -- my mother fell last

JURY SELECTION - SIDEBAR

1 week --

2 THE COURT: Oh, dear.

3 THE PROSPECTIVE JUROR: -- and broke her --
4 fractured her vertebrae. She had a stroke a couple of months
5 ago and she's just starting to walk again. She's living with
6 me, so I'm kind of --

7 THE COURT: Say no more --

8 THE PROSPECTIVE JUROR: -- the main person.

9 THE COURT: -- you have our blessings. Please give
10 the paddle to my law clerk and go back to the second floor and
11 good luck to your mom.

12 THE PROSPECTIVE JUROR: Thank you, sir.

13 THE COURT: Thank you, sir.

14 (Prospective juror excused.)

15 THE COURTROOM DEPUTY: Juror 47.

16 MS. MACEDONIO: Your Honor, 109 is raising their
17 paddle.

18 THE COURT: Mr. Jackson, after we do this call up
19 109 after this.

20 (Prospective juror approaches sidebar.)

21 THE COURT: Hi, how are you?

22 THE PROSPECTIVE JUROR: Good, how are you?

23 THE COURT: Thank you for your patience.

24 Did you raise your paddle on any issues?

25 THE PROSPECTIVE JUROR: No, my only issue I'm a

JURY SELECTION - SIDEBAR

1 speech pathologist with kids for special needs and two weeks
2 is kind of a long time for them not to get -- and I'll miss
3 back to school night but --

4 THE COURT: I appreciate that, but you'll have great
5 stories once you finish your jury service, so if that's the
6 only issue we'll let you serve.

7 THE PROSPECTIVE JUROR: Okay.

8 THE COURT: Thank you.

9 Mr. Jackson, seat the juror and then call up 109.

10 (Prospective juror returns to seat.)

11 THE COURT: 109 you can come forward.

12 (Prospective juror approaches sidebar.)

13 THE COURT: Hello, Juror 109, we're taking you out
14 of turn.

15 THE PROSPECTIVE JUROR: I'm so sorry.

16 THE COURT: Don't apologize.

17 THE PROSPECTIVE JUROR: I haven't eaten anything all
18 day, and I'm feeling light headed.

19 THE COURT: You want to go to eat something. Well,
20 I'll tell you what, you want to go eat something in the
21 cafeteria and then come back.

22 THE PROSPECTIVE JUROR: That's fine. Plus I have
23 high blood pressure and I'm getting light headed, so I
24 couldn't --

25 THE COURT: You know what? Maybe we should because

JURY SELECTION - SIDEBAR

1 we're going to continue we'll just excuse you from the service
2 and you go back -- give the paddle to my courtroom deputy and
3 you go back to the second floor and then you'll be done with
4 this jury --

5 THE PROSPECTIVE JUROR: Oh.

6 THE COURT: -- just go back to the second floor,
7 okay, and you won't have to come back to this courtroom.

8 THE PROSPECTIVE JUROR: Oh, okay. All right.

9 THE COURT: Give her the paddle and go back to the
10 second floor.

11 THE PROSPECTIVE JUROR: Thank you. Okay.

12 THE COURT: Okay, thank you.

13 Call the next one.

14 THE COURTROOM DEPUTY: Juror 48.

15 (Prospective juror approaches sidebar.)

16 THE COURT: Good afternoon, young lady. Thank you
17 for your patience, I appreciate it.

18 Did you raise your paddle on any of the issues?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: Is there any reason you could not serve
21 in a case like this?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: Then you can serve, thank you.

24 Mr. Jackson, would you seat the juror.

25 (Prospective juror returns to seat.)

JURY SELECTION - SIDEBAR

1 THE COURTROOM DEPUTY: Juror 49.

2 (Prospective juror approaches sidebar.)

3 THE COURT: Good afternoon, Juror 49. Thank you for
4 your patience.

5 THE PROSPECTIVE JUROR: With respect to you.

6 THE COURT: Appreciate it.

7 Did you raise your paddle on any of those issues?

8 THE PROSPECTIVE JUROR: Yes, I did.

9 THE COURT: Tell us about those.

10 THE PROSPECTIVE JUROR: For example, I have issues
11 like putting together with questions and answers.

12 THE COURT: You have difficulty following --

13 THE PROSPECTIVE JUROR: Yeah, I have problem with
14 that.

15 THE COURT: You know what? We'll excuse you from
16 service. I appreciate that. Give your paddle to my deputy
17 here and go back to the second floor, okay?

18 THE PROSPECTIVE JUROR: Thank you so much.

19 THE COURT: Thank you.

20 (Prospective juror excused.)

21 THE COURTROOM DEPUTY: Juror number 50.

22 (Prospective juror approaches sidebar.)

23 THE COURT: Good afternoon. Thank you, young lady,
24 appreciate your patience. You can come forward.

25 Did you raise your paddle on any of the issues?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: I did.

2 THE COURT: Tell us about those.

3 THE PROSPECTIVE JUROR: I think my biggest issue is
4 that I have very highly critical feelings of our criminal
5 justice penal system. I have a hard time, even if I believed
6 someone had done what they were accused of doing putting them
7 in --

8 THE COURT: You think you could be fair and
9 impartial in a given case or --

10 THE PROSPECTIVE JUROR: I think it would be hard for
11 me.

12 THE COURT: -- you think not.

13 THE PROSPECTIVE JUROR: I mean, I could maybe do it
14 but --

15 THE COURT: Hard or impossible?

16 THE PROSPECTIVE JUROR: I think --

17 THE COURT: Only you know. Look me the eye --

18 THE PROSPECTIVE JUROR: I don't --

19 THE COURT: Over here. I'm over here.

20 THE PROSPECTIVE JUROR: I guess I couldn't do it.

21 THE COURT: You couldn't do it, okay. I appreciate
22 your candor. Thank you.

23 Give the paddle to my deputy and you'll head down to
24 the second floor.

25 THE PROSPECTIVE JUROR: Thank you.

JURY SELECTION - SIDEBAR

1 (Prospective juror approaches sidebar.)

2 THE COURTROOM DEPUTY: Juror 51.

3 THE COURT: I'm kind of like Batman, look me in the
4 eye, I drop the voice.

5 (Prospective juror approaches sidebar.)

6 THE COURT: Good afternoon.

7 THE PROSPECTIVE JUROR: Good afternoon, Your Honor.

8 THE COURT: Thank you, Juror 51. I appreciate it.

9 Did you raise your paddle on any issue?

10 THE PROSPECTIVE JUROR: I did on a couple.

11 THE COURT: Tell us about those.

12 THE PROSPECTIVE JUROR: Law enforcement I have a
13 good friend --

14 THE COURT: Good friend.

15 THE PROSPECTIVE JUROR: -- Nassau County Police
16 Officer. My son just took the test.

17 THE COURT: Your son just took the test.

18 THE PROSPECTIVE JUROR: Yeah.

19 THE COURT: Could you be fair in a case like this or
20 not really?

21 THE PROSPECTIVE JUROR: I could try but I also -- I
22 did write on my juror thing I do support President Trump's
23 immigration policy. And I did support --

24 THE COURT: You know what? As a matter of law --

25 THE PROSPECTIVE JUROR: It's legal, you have to.

JURY SELECTION - SIDEBAR

1 THE COURT: -- I not only do, I have to. You know,
2 I can support anybody.

3 THE PROSPECTIVE JUROR: I did support the Muslim
4 ban.

5 THE COURT: You supported the Muslim --

6 THE PROSPECTIVE JUROR: The ban.

7 THE COURT: You know what? The Supreme Court said
8 it was okay.

9 THE PROSPECTIVE JUROR: Okay.

10 THE COURT: You know, my sister judge, Judge
11 Donnelly struck it down.

12 THE PROSPECTIVE JUROR: All right.

13 THE COURT: This is the way it works in America.
14 You can be a conservative --

15 THE PROSPECTIVE JUROR: Yeah.

16 THE COURT: -- you can be a liberal, you can be
17 someone who follows the law as we now have with President
18 Trump --

19 THE PROSPECTIVE JUROR: Right.

20 THE COURT: -- and be appointed by President Obama,
21 it's okay.

22 THE PROSPECTIVE JUROR: Okay.

23 THE COURT: The question is, can you be fair and
24 impartial, you as a juror.

25 THE PROSPECTIVE JUROR: I struggle with --

JURY SELECTION - SIDEBAR

1 THE COURT: You have to look me in the eye though
2 when you answer me.

3 THE PROSPECTIVE JUROR: I could try to do my best --

4 THE COURT: No, no, no try is not enough. Could you
5 do it. You got to tell me the truth, federal judge.

6 THE PROSPECTIVE JUROR: I think I'd have a tough
7 time --

8 THE COURT: You think --

9 THE PROSPECTIVE JUROR: I think I'd have a tough
10 time with this guy, with the whole --

11 THE COURT: You know what?

12 THE PROSPECTIVE JUROR: I just --

13 THE COURT: He's entitled to a fair and impartial --

14 THE PROSPECTIVE JUROR: No, he is, he is.

15 THE COURT: Okay, and I hear you, I appreciate your
16 candor. Give the paddle to my deputy and head down to the
17 second floor.

18 THE PROSPECTIVE JUROR: Thank you.

19 THE COURT: We'll get you a nice civil contract case
20 to work on. Thanks.

21 THE PROSPECTIVE JUROR: Thank you.

22 (Prospective juror excused.)

23 THE COURTROOM DEPUTY: Juror 52.

24 (Prospective juror approaches sidebar.)

25 THE COURT: Good afternoon, young lady.

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: Afternoon.

2 THE COURT: Thank you very much for your patience.

3 Did you raise your paddle on any issues?

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: Tell us about those.

6 THE PROSPECTIVE JUROR: I have to pick up my
7 grandkids on Wednesday and Thursday.

8 THE COURT: And you pick them up before five
9 obviously --

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: -- so you couldn't serve in this case --

12 THE PROSPECTIVE JUROR: Yeah, right at two
13 something.

14 THE COURT: -- because we're going to go to five
15 every day.

16 THE PROSPECTIVE JUROR: Right.

17 THE COURT: Okay. You're excused. Give the paddle
18 to my law clerk and go back to the second floor.

19 THE PROSPECTIVE JUROR: Okay, all right. Thank you.

20 THE COURT: Thank you.

21 (Prospective juror excused.)

22 THE COURTROOM DEPUTY: Juror 53.

23 (Prospective juror approaches sidebar.)

24 THE COURT: Good afternoon, sir.

25 THE PROSPECTIVE JUROR: How you doing?

JURY SELECTION - SIDEBAR

1 THE COURT: Please come forward. Thank you for your
2 patience.

3 Did you raise your paddle for any issues?

4 THE PROSPECTIVE JUROR: I did.

5 THE COURT: Tell us about those.

6 THE PROSPECTIVE JUROR: I can't remember which ones
7 they were.

8 THE LAW CLERK: Relationships with law enforcement.

9 THE COURT: Relationship with law enforcement.

10 THE PROSPECTIVE JUROR: I have a couple of friends
11 that are policemen or retired police.

12 THE COURT: Would that have an impact on your
13 ability in a case like this.

14 THE PROSPECTIVE JUROR: Um, I don't think so.

15 THE COURT: You have to look me in the eye when you
16 answer.

17 THE PROSPECTIVE JUROR: I don't think so.

18 THE COURT: You don't think so.

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: Okay. And other issues?

21 THE LAW CLERK: Inability to be fair and impartial.

22 THE COURT: Inability to be fair and impartial.

23 What do you think? You know, fair and impartial?

24 THE PROSPECTIVE JUROR: Well, you know every one has
25 their opinions --

JURY SELECTION - SIDEBAR

1 THE COURT: Yeah.

2 THE PROSPECTIVE JUROR: -- and you know especially
3 in this kind of thing, it's just --

4 THE COURT: Yes, tell us. Could you be fair and
5 impartial? And if not please --

6 THE PROSPECTIVE JUROR: I'm not sure.

7 THE COURT: You got to let me know because --

8 THE PROSPECTIVE JUROR: Well, okay, I look at it
9 this way, because it's a terrorism charge --

10 THE COURT: Right.

11 THE PROSPECTIVE JUROR: -- it's fairly serious --

12 THE COURT: Yes.

13 THE PROSPECTIVE JUROR: -- and it's difficult for me
14 to imagine a universe, okay, where a Muslim person to some
15 degree would not kind of like help wherever they could.

16 THE COURT: So you think that there's a
17 predilection, as it were.

18 THE PROSPECTIVE JUROR: The only exception would be
19 someone who is -- doesn't believe in God, doesn't believe
20 in -- doesn't even read the Koran and they are just cultural
21 Muslims, that's the only exceptional.

22 THE COURT: Otherwise --

23 THE PROSPECTIVE JUROR: And in that kind of
24 situation they would just be set up here.

25 THE COURT: Otherwise your view?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: Yeah, they are going to help
2 when they can.

3 THE COURT: You know what? You're excused from
4 service --

5 THE PROSPECTIVE JUROR: Thank you.

6 THE COURT: -- please give that paddle to my
7 courtroom deputy. Thanks.

8 (Prospective juror excused.)

9 THE COURTROOM DEPUTY: Juror 54.

10 (Prospective juror approaches sidebar.)

11 THE COURT: Good afternoon, how are you?

12 THE PROSPECTIVE JUROR: Good afternoon.

13 THE COURT: Thank you for your patience. I
14 appreciate it.

15 You raised your paddle on one or two instances?

16 THE PROSPECTIVE JUROR: Sorry I no English.

17 THE COURT: You don't speak English well enough.

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: You know what? You're excused from
20 service, please give that to my courtroom deputy, go back to
21 second floor.

22 THE PROSPECTIVE JUROR: Okay, I know that, yeah,
23 thank you so much. Sorry.

24 THE COURT: Thank you.

25 (Prospective juror excused.)

JURY SELECTION - SIDEBAR

1 THE COURTROOM DEPUTY: Juror 55.

2 (Prospective juror approaches sidebar.)

3 THE COURT: Good afternoon, sir.

4 THE PROSPECTIVE JUROR: Good afternoon.

5 THE COURT: Thank you for your patience. I
6 appreciate it.

7 Did you raise your paddle on any issues?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: Tell us about those.

10 THE PROSPECTIVE JUROR: A couple about foreign
11 policy.

12 THE COURT: Yes, tell us about your views.

13 THE PROSPECTIVE JUROR: I feel U.S. failed foreign
14 policy it caused a lot of issues over there.

15 THE COURT: Right.

16 THE PROSPECTIVE JUROR: It caused a power vacuum in
17 Iraq and all of those situations. I raised my hand on --
18 about bias against police.

19 THE COURT: Right. You have a bias one way or the
20 other when it comes to the police?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Tell me about that.

23 THE PROSPECTIVE JUROR: Well, I was assaulted by
24 police officers at one time when I was younger.

25 THE COURT: I'm sorry.

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: I was arrested for that as
2 well.

3 THE COURT: What was the outcome of the arrest? Did
4 they dismiss the charges?

5 THE PROSPECTIVE JUROR: They put me on probation.

6 THE COURT: Put you on probation.

7 THE PROSPECTIVE JUROR: Yeah.

8 THE COURT: Do you think you could be fair and
9 impartial in a case like this or do those experiences make it
10 difficult for you to be -- or impossible for you to be fair in
11 a case like this.

12 THE PROSPECTIVE JUROR: It would be difficult
13 because what I've been through and what I've seen my friends
14 have been through in a similar situation. I mean, I had a
15 friend where doesn't smoke weed at all and he was arrested for
16 possession of weed because they placed it on him. Some of my
17 friends witnessed that, so that's something, you know, what --

18 THE COURT: Again, this is not a drug case.

19 THE PROSPECTIVE JUROR: Yeah, I know, I know but it
20 is just from --

21 THE COURT: But you add it all up --

22 THE PROSPECTIVE JUROR: Yeah.

23 THE COURT: -- could you be fair or do you think not
24 so much.

25 THE PROSPECTIVE JUROR: It would be difficult.

JURY SELECTION - SIDEBAR

1 THE COURT: I'll excuse you from this case, we'll
2 get you a nice civil contract case, something boring, you
3 know, that wouldn't involve the police or anything.

4 You go back to the second floor. Give the paddle to
5 my law clerk.

6 THE PROSPECTIVE JUROR: Thank you.

7 (Prospective juror excused.)

8 THE COURTROOM DEPUTY: Juror 56.

9 (Prospective juror approaches sidebar.)

10 THE COURT: Good afternoon, and thank you so much
11 for your patience.

12 THE PROSPECTIVE JUROR: Of course.

13 THE COURT: Appreciate it.

14 Did you raise your paddle on any issues?

15 THE PROSPECTIVE JUROR: Just that I had served on a
16 jury before.

17 THE COURT: Was it civil or criminal?

18 THE PROSPECTIVE JUROR: It was criminal I believe.

19 THE COURT: Without telling us anything more, did
20 you reach a verdict in that case?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Anything about that experience that
23 would have an impact on our ability in this case?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: Any other issues?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: No.

2 THE COURT: Then you can serve. Thank you.

3 THE PROSPECTIVE JUROR: Oh, okay.

4 THE COURTROOM DEPUTY: Mr. Jackson, please seat the
5 juror.

6 (Prospective juror returns to seat.)

7 THE COURTROOM DEPUTY: Juror 57.

8 THE COURT: Good afternoon. Thank you, Juror 57.
9 Appreciate your patience.

10 Did you raise your paddle on any issues?

11 THE PROSPECTIVE JUROR: I believe one of them just
12 remember.

13 THE COURT: Come forward, keep your voice up a
14 little bit. What was the issue that you had?

15 THE PROSPECTIVE JUROR: I can't remember which
16 one --

17 THE COURT: You don't remember.

18 THE PROSPECTIVE JUROR: -- so many questions.

19 THE LAW CLERK: Prior jury service.

20 THE COURT: Prior jury service.

21 THE PROSPECTIVE JUROR: Yes, I did a civil.

22 THE COURT: Without talking about the case in any
23 detail, did you reach a verdict in that case?

24 THE PROSPECTIVE JUROR: Yes, the case was --

25 THE COURT: That's okay.

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: -- settled.

2 THE COURT: You reached a verdict, it was settled.

3 Was that state or federal, do you know?

4 THE PROSPECTIVE JUROR: State.

5 THE COURT: State. How long ago was it?

6 THE PROSPECTIVE JUROR: It was probably like four
7 years ago.

8 THE COURT: Four years ago. Anything about that
9 experience make it difficult or impossible for you in a case
10 like this to serve?

11 THE PROSPECTIVE JUROR: I'm not really.

12 THE COURT: Not really. Anything else?

13 THE PROSPECTIVE JUROR: I have a doctor's
14 appointment, I'm a diabetic on Wednesday.

15 THE COURT: Could you reschedule it? Because you
16 have to be here from 9:30 to five.

17 THE PROSPECTIVE JUROR: I already rescheduled it
18 from last Wednesday to this week.

19 THE COURT: I'm sorry, but could you reschedule
20 it --

21 THE PROSPECTIVE JUROR: I don't know. I could call
22 I guess.

23 THE COURT: -- is the question.

24 What do you think?

25 THE PROSPECTIVE JUROR: I can call again and see --

JURY SELECTION - SIDEBAR

1 THE COURT: But you'd have to commit now one way or
2 the other.

3 THE PROSPECTIVE JUROR: No, I can't.

4 THE COURT: No. Okay. In that case we'll excuse
5 you, please give the paddle to the court deputy here and go
6 back to the second floor.

7 THE PROSPECTIVE JUROR: Thank you.

8 THE COURT: Thank you.

9 (Prospective juror excused.)

10 THE COURTROOM DEPUTY: Juror 58.

11 (Prospective juror approaches sidebar.)

12 THE COURT: Good afternoon, how are you?

13 THE PROSPECTIVE JUROR: Good.

14 THE COURT: Thank you for your patience, young lady.
15 Did you raise your paddle on any issues?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: No. Any reason you couldn't --

18 THE PROSPECTIVE JUROR: I mean, just -- I don't
19 my -- English not so good. That's the only --

20 THE COURT: Was your English good enough to follow
21 you think in a case like this, only you can tell us. What do
22 you think?

23 THE PROSPECTIVE JUROR: I don't know the language, I
24 mean the language in the Court but I don't know if I'm so
25 good.

JURY SELECTION - SIDEBAR

1 THE COURT: Have you followed everything --

2 THE PROSPECTIVE JUROR: Yeah.

3 THE COURT: -- I've said so far.

4 THE PROSPECTIVE JUROR: Yeah, I did.

5 THE COURT: Have you gotten it so far?

6 THE PROSPECTIVE JUROR: I did.

7 THE COURT: Okay. Then we'll let you serve. You
8 can serve.

9 Mr. Jackson, seat the juror.

10 (Prospective juror returns to seat.)

11 THE COURT: You can come forward 112.

12 (Prospective juror approaches sidebar.)

13 THE COURT: Yes, sir, you raised your paddle?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: You wanted to come out of turn, what's
16 up?

17 THE PROSPECTIVE JUROR: First of all, I know I'm yet
18 picked --

19 THE COURT: Well, I don't know how you know that
20 because I don't know who's going to be picked.

21 THE PROSPECTIVE JUROR: Well, I'm getting light
22 headed actually.

23 THE COURT: You're getting light headed.

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: We'll excuse you. Give the paddle to my

JURY SELECTION - SIDEBAR

1 courtroom deputy and go down to the second floor. You're
2 excused.

3 THE PROSPECTIVE JUROR: Thank you.

4 (Prospective juror excused.)

5 THE COURTROOM DEPUTY: Juror 59.

6 THE COURT: Hello, good afternoon. Thank you your
7 patience.

8 Did you raise your paddle on any issues?

9 THE PROSPECTIVE JUROR: Yeah, because only -- only
10 my English may be little not --

11 THE COURT: Your English isn't quite good enough you
12 don't think, sir?

13 THE PROSPECTIVE JUROR: Not too good.

14 THE COURT: I appreciate that. You're excused.
15 Give the paddle to my courtroom deputy here and go back to the
16 second floor.

17 (Prospective juror excused.)

18 THE COURTROOM DEPUTY: Juror 60.

19 (Prospective juror approaches sidebar.)

20 THE COURT: Good afternoon, Juror 60. Thank you for
21 your patience.

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: Did you raise your paddle on any issues?

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: Tell us about those.

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: Well, I was born in on 9/11.
2 I have a hard time, I turned 30 that day. I don't like the
3 policies that this country has as far as our -- their
4 relationship to other foreign countries. I was born in El
5 Salvador. I think what this country did in my country of El
6 Salvador was inappropriate and not fair and I just don't want
7 to get involved. And I teach and I rather be teaching. So I
8 don't think I'm --

9 THE COURT: Fair and impartial?

10 THE PROSPECTIVE JUROR: Yeah.

11 THE COURT: You know what? If you don't think your
12 fair and impartial, I accept that.

13 THE PROSPECTIVE JUROR: Yeah.

14 THE COURT: You're excused. Give the paddle to my
15 courtroom deputy here --

16 THE PROSPECTIVE JUROR: Thank you.

17 THE COURT: -- and you head down to the second
18 floor. Bye-bye.

19 (Prospective juror excused.)

20 THE COURTROOM DEPUTY: Juror 61.

21 (Prospective juror approaches sidebar.)

22 THE COURT: Hello.

23 THE PROSPECTIVE JUROR: Hey.

24 THE COURT: How are you, sir? Thank you for your
25 patience.

JURY SELECTION - SIDEBAR

1 Did you raise your paddle on any issues?

2 THE PROSPECTIVE JUROR: Two.

3 THE COURT: Tell us about those.

4 THE PROSPECTIVE JUROR: Officer, brother-in-law one
5 of them. The other one I don't remember what I raised it for.

6 THE LAW CLERK: Prior jury service.

7 THE COURT: Prior jury service.

8 THE PROSPECTIVE JUROR: Did that too, yes.

9 THE COURT: Civil or criminal?

10 THE PROSPECTIVE JUROR: Civil.

11 THE COURT: How recently, 10 years, five years?

12 THE PROSPECTIVE JUROR: Two years, three years.

13 THE COURT: Did you reach a verdict without telling
14 us.

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: Anything about relationships or about
17 the jury service that would make it impossible for you to be
18 fair in a case like this?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: Then you can serve.

21 Okay, seat him.

22 (Prospective juror returns to seat.)

23 THE COURTROOM DEPUTY: Juror 62.

24 (Prospective juror approaches sidebar.)

25 THE COURT: Good afternoon. Thank you for your

JURY SELECTION - SIDEBAR

1 patience.

2 Did you raise your paddle on any issues?

3 THE PROSPECTIVE JUROR: I did.

4 THE COURT: Tell us about those. Come forward, keep
5 your wee voice up.

6 THE PROSPECTIVE JUROR: Sure. I got strong feelings
7 about any kind of terrorism cases especially Muslim terrorism.
8 I don't travel to Muslim countries being Jewish, super careful
9 in Europe, a lot of anti-Semitism.

10 THE COURT: You don't think you could be fair and
11 impartial.

12 THE PROSPECTIVE JUROR: I don't know. I got very
13 anxious about this case.

14 THE COURT: Well, I understand and appreciate you
15 coming in. You're excused from this jury. We'll get a nice
16 boring contract case for you to try.

17 Hand over the paddle to my deputy and go back to the
18 second floor, please.

19 THE PROSPECTIVE JUROR: Thank you.

20 (Prospective juror excused.)

21 THE COURTROOM DEPUTY: Juror 63.

22 (Prospective juror approaches sidebar.)

23 THE COURT: Good afternoon.

24 THE PROSPECTIVE JUROR: Good afternoon, how are you?

25 THE COURT: Thank you.

JURY SELECTION - SIDEBAR

1 Did you raise your paddle on any issues?

2 THE PROSPECTIVE JUROR: No, the only one was if they
3 asked me if I had served before.

4 THE COURT: Yes.

5 THE PROSPECTIVE JUROR: Yes. That's the only thing.

6 THE COURT: Civil or criminal?

7 THE PROSPECTIVE JUROR: It was criminal.

8 THE COURT: How long ago was it?

9 THE PROSPECTIVE JUROR: It was about two and a half
10 years ago.

11 THE COURT: Without getting into any details, did
12 you reach a verdict in that case?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Was it state or federal?

15 THE PROSPECTIVE JUROR: It was state.

16 THE COURT: Anything about this case that would make
17 impossible for you to serve?

18 THE PROSPECTIVE JUROR: Not at all.

19 THE COURT: Then you can serve.

20 THE PROSPECTIVE JUROR: Thank you.

21 THE COURT: Mr. Jackson, would you seat her.

22 THE PROSPECTIVE JUROR: Thank you.

23 THE COURT: Thank you.

24 (Prospective juror returns to seat.)

25 THE COURTROOM DEPUTY: Juror 64.

JURY SELECTION - SIDEBAR

1 (Prospective juror approaches sidebar.)

2 THE COURT: Good afternoon. Thank you for your
3 patience.

4 THE PROSPECTIVE JUROR: Good afternoon.

5 THE COURT: Did you raise your paddle on any issues?

6 THE PROSPECTIVE JUROR: Yes, I was a victim twice
7 from mugging --

8 THE COURT: I'm so sorry.

9 THE PROSPECTIVE JUROR: -- and was on the train
10 myself and the worst part my sister was murdered.

11 THE COURT: I'm sorry. So you really couldn't serve
12 on this jury.

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: You're excused from service. Thank you.
15 Please give the paddle back to my courtroom deputy and go back
16 to the second floor.

17 (Prospective juror excused.)

18 THE COURTROOM DEPUTY: Juror 65.

19 (Prospective juror approaches sidebar.)

20 THE COURT: Good afternoon, Juror 65.

21 THE PROSPECTIVE JUROR: Hello.

22 THE COURT: Thank you for your patience.

23 THE PROSPECTIVE JUROR: Thank you.

24 THE COURT: I appreciate it.

25 Did you raise your paddle on any issues?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: I did.

2 THE COURT: Tell us about those.

3 THE PROSPECTIVE JUROR: Sure.

4 THE COURT: Speak up.

5 THE PROSPECTIVE JUROR: I'm going to -- I'm going to
6 be out of town Friday, Monday and Tuesday.

7 THE COURT: Okay. Well, then we can't have you on
8 the jury that makes it easy.

9 THE PROSPECTIVE JUROR: Okay. Thanks.

10 THE COURT: Please give the paddle to my courtroom
11 deputy and go back to the second floor.

12 THE PROSPECTIVE JUROR: Thank you.

13 THE COURTROOM DEPUTY: Juror 66.

14 (Prospective juror approaches sidebar.)

15 THE COURT: Good afternoon.

16 THE PROSPECTIVE JUROR: Hi.

17 THE COURT: Thank you for your patience. I
18 appreciate it. You can come forward.

19 You raised your paddle on a couple of issues?

20 THE PROSPECTIVE JUROR: No, I raise my hands I have
21 a time conflict with this case.

22 THE COURT: You have a time conflict.

23 THE PROSPECTIVE JUROR: Time conflict.

24 THE COURT: What is your time conflict.

25 THE PROSPECTIVE JUROR: I'm a professor in the

JURY SELECTION - SIDEBAR

1 medical school so I have --

2 THE COURT: Which one?

3 THE PROSPECTIVE JUROR: Cornell.

4 THE COURT: Okay. So --

5 THE PROSPECTIVE JUROR: I teach.

6 THE COURT: You could not serve on this jury? You
7 couldn't get someone to cover?

8 THE PROSPECTIVE JUROR: No. It's scheduled like
9 more than four months ago, so Friday afternoon I have to teach
10 the student.

11 THE COURT: You couldn't have anyone else cover?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: We'll excuse you, Doctor, thanks. Give
14 it to colleague go back to the second floor.

15 THE PROSPECTIVE JUROR: Okay, thank you.

16 (Prospective juror excused.)

17 THE COURTROOM DEPUTY: Juror 67.

18 (Prospective juror approaches sidebar.)

19 THE COURT: Good afternoon.

20 THE PROSPECTIVE JUROR: Good afternoon.

21 THE COURT: Thank you for your patience.

22 THE PROSPECTIVE JUROR: No problem.

23 THE COURT: Did you raise your paddle on any issues?

24 THE PROSPECTIVE JUROR: I raised one because I knew
25 a cop.

JURY SELECTION - SIDEBAR

1 THE COURT: Anything about that relationship that
2 would make it difficult for you to serve in this case?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: Any other issues?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: Then you can serve.

7 THE PROSPECTIVE JUROR: Thank you.

8 THE COURT: Thank you.

9 Mr. Jackson.

10 (Prospective juror returns to seat.)

11 THE COURTROOM DEPUTY: Juror 68.

12 (Prospective juror approaches sidebar.)

13 THE COURT: Good afternoon. Thank you for your
14 patience.

15 THE PROSPECTIVE JUROR: Good afternoon.

16 THE COURT: Did you raise your paddle for any
17 issues?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: Tell us about those.

20 THE PROSPECTIVE JUROR: I'm an attorney.

21 THE COURT: You're an attorney.

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: Do you practice?

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: Where do you practice?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: Queens mostly. Nassau
2 County as well. I also worked for the DA's office in
3 Brooklyn.

4 THE COURT: For the DA's?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: When did you work for them.

7 THE PROSPECTIVE JUROR: '13, '14.

8 THE COURT: So obviously I'm going to wish you well
9 on another case, but you're not going to serve on this one.
10 Give the paddle to my courtroom deputy here, go back to the
11 second floor. Thanks.

12 THE PROSPECTIVE JUROR: Thank you.

13 (Prospective juror excused.)

14 THE COURTROOM DEPUTY: Juror 69.

15 (Prospective juror approaches sidebar.)

16 THE COURT: Good afternoon, sir. Thank you for your
17 patience.

18 Did you raise your paddle for any issues?

19 THE PROSPECTIVE JUROR: Yeah, I think one issue.

20 THE COURT: What's that?

21 THE PROSPECTIVE JUROR: I forgot already.

22 THE LAW CLERK: Favor one side over the other.

23 THE COURT: Favor one side over the other, tell us
24 about that.

25 THE PROSPECTIVE JUROR: Oh, well, I have a younger

JURY SELECTION - SIDEBAR

1 sister her husband was in the military recently so I would
2 favor our military before him.

3 THE COURT: Okay. You could not be fair in a case
4 like this?

5 THE PROSPECTIVE JUROR: No, I couldn't be fair.

6 THE COURT: You know what? You're excused. Give
7 the paddle to my law clerk and go back to the second floor.

8 Thanks.

9 (Prospective juror excused.)

10 THE COURTROOM DEPUTY: Juror number 70.

11 (Prospective juror approaches sidebar.)

12 THE COURT: Good afternoon, Juror 70. Thank you for
13 your patience.

14 Did you raise your paddle on any issues?

15 THE PROSPECTIVE JUROR: Well, just generally
16 speaking, a case about terrorism is, you know, obviously I
17 have biases against someone who attacks my country.

18 THE COURT: But could you be fair in respect to this
19 individual being tried.

20 THE PROSPECTIVE JUROR: I can't say --

21 THE COURT: You couldn't be fair?

22 THE PROSPECTIVE JUROR: I can't say for certain.

23 THE COURT: You can't say --

24 THE PROSPECTIVE JUROR: I would try.

25 THE COURT: Well, you have to say for certain

JURY SELECTION - SIDEBAR

1 because you have to go in being willing to be fair.

2 THE PROSPECTIVE JUROR: Right.

3 THE COURT: He's entitled to that.

4 THE PROSPECTIVE JUROR: Right.

5 THE COURT: All of us are. But look me in the eye
6 and tell me, could you be fair in this case or no?

7 THE PROSPECTIVE JUROR: I don't know. I don't know.

8 THE COURT: Only you know, you got to tell me.

9 THE PROSPECTIVE JUROR: Yeah, I'm not sure.

10 THE COURT: Yes or no.

11 THE PROSPECTIVE JUROR: No. I don't think so.

12 THE COURT: Then you're excused.

13 THE PROSPECTIVE JUROR: Fine.

14 THE COURT: Give the paddle to my courtroom deputy
15 and go back to the second floor. Thank you.

16 (Prospective juror excused.)

17 THE COURTROOM DEPUTY: Juror 71.

18 (Prospective juror approaches sidebar.)

19 THE COURT: Good afternoon.

20 THE PROSPECTIVE JUROR: Hi.

21 THE COURT: Thank you for your patience. I
22 appreciate it.

23 So tell us, Juror 71, did you raise your paddle over
24 any issues?

25 THE PROSPECTIVE JUROR: Yes. I think two. First of

JURY SELECTION - SIDEBAR

1 all, I work with children with disabilities in a private
2 school and I think they would -- it would be a disadvantage
3 for them if I would be here for two weeks.

4 THE COURT: I appreciate that. What's the other
5 issue?

6 THE PROSPECTIVE JUROR: I'm also from the same -- I
7 was born in the same country as the defendant but I'm from a
8 different -- I'm Russian --

9 THE COURT: Okay.

10 THE PROSPECTIVE JUROR: -- and we had to come to
11 America because we were discriminated against.

12 THE COURT: Could you be fair and impartial in a
13 case like this, or no?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: No. You're excused.

16 THE PROSPECTIVE JUROR: Thank you.

17 THE COURT: Give the paddle to my law clerk and go
18 back to the second floor.

19 (Prospective juror excused.)

20 THE COURTROOM DEPUTY: Juror 72.

21 (Prospective juror approaches sidebar.)

22 THE COURT: Good afternoon, Juror 72. Thank you for
23 your patience, appreciate it.

24 THE PROSPECTIVE JUROR: No problem.

25 THE COURT: Did you raise your paddle on any issues?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: I think I had issue on two.

2 THE COURT: Two issues. Tell us about those.

3 THE PROSPECTIVE JUROR: Two issues. One, if have
4 any difficult 'cause I think in my reading difficult with the
5 language.

6 THE COURT: Difficulty with the language.

7 THE PROSPECTIVE JUROR: Yeah, and in daily basis
8 that would be okay, but in this case --

9 THE COURT: You don't think so.

10 THE PROSPECTIVE JUROR: I don't feel very confident.

11 THE COURT: Okay, you know what? We will excuse you
12 from the case. Give the paddle to my deputy and go back to
13 the second floor.

14 THE PROSPECTIVE JUROR: Thank you.

15 THE COURT: Thank you. God bless you.

16 THE PROSPECTIVE JUROR: Thank you.

17 (Prospective juror excused.)

18 THE COURTROOM DEPUTY: Juror 73.

19 (Prospective juror approaches sidebar.)

20 THE COURT: Good afternoon, Juror 73. Thank you for
21 your patience.

22 THE PROSPECTIVE JUROR: Good afternoon.

23 THE COURT: Did you raise your paddle on any of
24 those issues?

25 THE PROSPECTIVE JUROR: Yes, I did.

JURY SELECTION - SIDEBAR

1 THE COURT: Tell us about those.

2 THE PROSPECTIVE JUROR: I raised my paddle for
3 hardship. I am a bilingual speech language teacher. I'm the
4 only one who is servicing my students, I don't have anyone to
5 substitute for my students. Being out would cause a hardship
6 for my students that they are going to be losing continuity
7 and learning in my classroom.

8 THE COURT: I appreciate that but any other issues.

9 THE PROSPECTIVE JUROR: I have a couple of medical
10 appointments, doctor appointments. I have an appointment with
11 my orthodontist, I'm getting a crown placed in after several
12 weeks of waiting --

13 THE COURT: Is that within the next two weeks?

14 THE PROSPECTIVE JUROR: Actually this Thursday
15 afternoon.

16 THE COURT: Okay. I'll excuse you. Thank you.
17 Give the paddle to my deputy and go down to the second floor.

18 THE PROSPECTIVE JUROR: Sure, thank you.

19 (Prospective juror excused.)

20 THE COURTROOM DEPUTY: Juror 74.

21 (Prospective juror approaches sidebar.)

22 THE COURT: Good afternoon, young lady. Thank you
23 for your patience. I appreciate it.

24 Did you raise your paddle on any issues?

25 THE PROSPECTIVE JUROR: Yes.

JURY SELECTION - SIDEBAR

1 THE COURT: Tell us about those.

2 Keep your voice up and come forward, make sure the
3 court reporter hears you.

4 THE PROSPECTIVE JUROR: The investigation, and the
5 other one my husband was in the military for 24 years.
6 There's a lot of stuff still going on with him, but also the
7 investigation I have a daughter who was in investigation had
8 something to do -- I shouldn't say, they had something at the
9 college she was pulled out and she had to take a year off and
10 investigation and I just didn't like it. It took us a
11 different place we didn't want to be. And I was robbed a few
12 times. And I have, you know, little issues going on with my
13 leg one that of the doctors came from one of the European
14 countries and it's a lot of issues and I didn't feel
15 comfortable.

16 THE COURT: So when you put it all together could
17 you be fair and impartial in this case?

18 THE PROSPECTIVE JUROR: No, not in this case.

19 THE COURT: Then we'll excuse you. Go back to the
20 second floor.

21 THE PROSPECTIVE JUROR: Thank you.

22 (Prospective juror excused.)

23 THE COURTROOM DEPUTY: Juror 75.

24 (Prospective juror approaches sidebar.)

25 THE COURT: Good afternoon, how are you?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: Hi, good afternoon.

2 THE COURT: Appreciate your patience.

3 THE PROSPECTIVE JUROR: Sure.

4 THE COURT: Did you raise your paddle on any issues?

5 THE PROSPECTIVE JUROR: I did. A couple of them.

6 THE COURT: Tell us about that.

7 THE PROSPECTIVE JUROR: The victim of crime one, I
8 believe is one.

9 THE COURT: Recently? And I'm sorry to hear that.

10 THE PROSPECTIVE JUROR: Not recent, no, not -- when
11 I was undergrad back in the early mid '90s in Atlanta.

12 THE COURT: Okay. Anything about that experience
13 impact you?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: And what else?

16 THE PROSPECTIVE JUROR: The other thing I raised my
17 hands on was about whether it would cause difficulty with
18 work, I think everyone did pretty much.

19 THE COURT: Well, pretty much, yes.

20 THE PROSPECTIVE JUROR: Yeah. I teach college at a
21 community college full time.

22 THE COURT: But worse case scenario you could serve
23 for two weeks if you had to.

24 THE PROSPECTIVE JUROR: If I had to.

25 THE COURT: Any other issues?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: That's it.

2 THE COURT: You can serve. We'll seat you.

3 THE PROSPECTIVE JUROR: Okay.

4 (Prospective juror returns to seat.)

5 THE COURTROOM DEPUTY: Juror 76.

6 (Prospective juror approaches sidebar.)

7 THE COURT: Thank you, Juror 76, for your patience.

8 THE PROSPECTIVE JUROR: Thanks.

9 THE COURT: Did you raise your paddle on any issues?

10 THE PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: Tell us about those.

12 THE PROSPECTIVE JUROR: Mainly I'm a teacher of
13 students with disabilities in a hard to staff school.

14 THE COURT: Hard to staff school.

15 THE PROSPECTIVE JUROR: Yeah.

16 THE COURT: Anything other than that.

17 THE PROSPECTIVE JUROR: I have travel plans as well.

18 THE COURT: Where are your travel plans and when are
19 they?

20 THE PROSPECTIVE JUROR: They are for next Friday
21 5:30 flying to Portland.

22 THE COURT: Okay. Well, you know, you can catch a
23 later flight if we go to next Friday, right.

24 THE PROSPECTIVE JUROR: I guess that's possible. I
25 mean, they're booked already.

JURY SELECTION - SIDEBAR

1 THE COURT: It's possible. I understand life gets
2 in the way, we're not going to go more than two weeks I assure
3 you on that, so other than those issues anything else?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: Then you can serve.

6 THE PROSPECTIVE JUROR: Thank you.

7 THE COURT: Thank you. All right. Would you seat
8 her.

9 (Prospective juror returns to seat.)

10 (Continued on the next page.)
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JURY SELECTION - SIDEBAR

1 THE COURTROOM DEPUTY: Juror Number 77.

2 (Prospective juror approaches sidebar.)

3 THE COURT: Good afternoon, Juror Number 77. Thank
4 you for your patience, sir.

5 Did you raise your paddle on any issues?

6 THE PROSPECTIVE JUROR: I believe one.

7 THE COURT: Tell us about that.

8 THE PROSPECTIVE JUROR: I don't even remember.

9 THE CLERK: He's been a arrested or a family member
10 has been arrested.

11 THE COURT: Been arrested or a family member has
12 been arrested. Tell us about that generally.

13 THE PROSPECTIVE JUROR: Cousins.

14 THE COURT: Cousins, okay.

15 THE PROSPECTIVE JUROR: Right, charges --

16 THE COURT: Anything about that experience have an
17 impact on your ability to serve in this case?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: Okay, anything else?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: Then you can serve.

22 THE PROSPECTIVE JUROR: All right.

23 THE COURT: Seat him, Mr. Jackson.

24 (Prospective juror returns to seat.)

25 THE COURTROOM DEPUTY: Juror Number 78.

JURY SELECTION - SIDEBAR

1 (Prospective juror approaches sidebar.)

2 THE COURT: Good afternoon, young lady. Thank you
3 for your patience. I appreciate it.

4 THE PROSPECTIVE JUROR: Good afternoon.

5 THE COURT: Did you raise your paddle on any issues?

6 THE PROSPECTIVE JUROR: Yes, I did.

7 THE COURT: Tell us about those.

8 THE PROSPECTIVE JUROR: About knowing a police
9 officer --

10 THE COURT: Right. You know some?

11 THE PROSPECTIVE JUROR: -- I worked with police
12 officers. In my office there's police officers and family
13 member incarcerated.

14 THE COURT: Putting all that together, could you be
15 fair and impartial in a case like this?

16 THE PROSPECTIVE JUROR: Yes, I can.

17 THE COURT: Okay, then we'll let you serve.

18 THE PROSPECTIVE JUROR: Thank you, sir.

19 THE COURT: Mr. Jackson, seat her, please.

20 (Prospective juror returns to seat.)

21 THE COURTROOM DEPUTY: Juror 79.

22 (Prospective juror approaches sidebar.)

23 THE COURT: Good afternoon, young lady. Thank you
24 very much for your patience.

25 You are Juror Number 79; is that right?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Did you raise your paddle for any
3 issues?

4 THE PROSPECTIVE JUROR: No, I didn't.

5 THE COURT: Okay. Are you able to serve in this
6 case?

7 THE PROSPECTIVE JUROR: No, I can't.

8 THE COURT: No. Because why not? Just generally.

9 THE PROSPECTIVE JUROR: Because, tell you the truth,
10 I'm not going to be fair.

11 THE COURT: Because?

12 THE PROSPECTIVE JUROR: I'm not going to be fair.

13 THE COURT: You're not going to be --

14 THE PROSPECTIVE JUROR: -- fair.

15 THE COURT: If you are not going to be fair, then
16 you can't serve. Thank you for being up front.

17 THE PROSPECTIVE JUROR: You're welcome.

18 THE COURT: Give the paddle to my deputy and go back
19 to the second floor.

20 THE PROSPECTIVE JUROR: Thank you so much.

21 (Prospective juror excused.)

22 THE COURTROOM DEPUTY: Juror Number 80.

23 (Prospective juror approaches sidebar.)

24 THE COURT: Good afternoon, Young lady. Thank you
25 for your patience.

JURY SELECTION - SIDEBAR

1 Did you raise your paddle on any issues?

2 THE PROSPECTIVE JUROR: I did.

3 THE COURT: Tell us about those.

4 THE PROSPECTIVE JUROR: I'm an enforcement attorney
5 with the SEC.

6 THE COURT: Okay.

7 THE PROSPECTIVE JUROR: I work with the U.S.
8 Attorney's Office, FBI, and Homeland.

9 THE COURT: Do you think you can be fair and
10 impartial? I think it would be nice to work on a nice civil
11 contract case, so give the paddle to my courtroom deputy and
12 go back to the second floor.

13 THE PROSPECTIVE JUROR: Thank you.

14 (Prospective juror excused.)

15 THE COURTROOM DEPUTY: Juror Number 81.

16 (Prospective juror approaches sidebar.)

17 THE COURT: Good afternoon, Juror Number 81. Thank
18 you for your patience, appreciate it.

19 THE PROSPECTIVE JUROR: Good afternoon. Thank you.

20 THE COURT: Did you raise your paddle on any issues?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Come forward.

23 THE PROSPECTIVE JUROR: Oh, sorry.

24 THE COURT: That's okay.

25 Tell us about that.

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: My uncle is an agent for
2 Homeland Security and I'm currently studying full-time for my
3 physical therapy licensing exam next month, so I just don't
4 know if I can give my full attention while --

5 THE COURT: It's a two-week trial, not a full-month
6 trial, do you think you can work with us for two weeks. It
7 won't be any more than that.

8 THE PROSPECTIVE JUROR: My test is in four weeks and
9 it's pretty grueling.

10 THE COURT: Okay. But still, we are just talking
11 about this week and next week, so could you do that, do you
12 think, if you had to?

13 THE PROSPECTIVE JUROR: I don't --

14 THE COURT: It would be hard, I know.

15 THE PROSPECTIVE JUROR: It would be, yeah.

16 THE COURT: But you could do it if you had to, yes?

17 THE PROSPECTIVE JUROR: Yeah.

18 THE COURT: Okay. We'll let you serve.

19 Why don't you seat her, Mr. Jackson.

20 (Prospective juror returns to seat.)

21 THE COURTROOM DEPUTY: Juror 82.

22 (Prospective juror approaches sidebar.)

23 THE COURT: Good afternoon, Juror Number 82. Thank
24 you for your patience.

25 THE PROSPECTIVE JUROR: Yeah.

JURY SELECTION - SIDEBAR

1 THE COURT: Did you raise your paddle on any of
2 those issues?

3 THE PROSPECTIVE JUROR: Just if you know a family
4 member that works in --

5 THE COURT: Okay. Tell us about that.

6 THE PROSPECTIVE JUROR: My cousin works in Rikers,
7 so I don't know if that counts.

8 THE COURT: Your cousin works at Rikers?

9 THE PROSPECTIVE JUROR: Yeah.

10 THE COURT: Any other connections?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: Anything about that that would make it
13 difficult for you to be in a case like this?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: Any other reason you couldn't serve?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: You can serve. Thanks.

18 THE PROSPECTIVE JUROR: Thank you.

19 THE COURT: You can seat her, Mr. Jackson.

20 (Prospective juror returns to seat.)

21 THE COURTROOM DEPUTY: Juror 83.

22 (Prospective juror approaches sidebar.)

23 THE COURT: Good afternoon, young lady. Thank you
24 for your patience. You are Juror Number --

25 THE PROSPECTIVE JUROR: -- 83.

JURY SELECTION - SIDEBAR

1 THE COURT: Did you raise your paddle on any issues?

2 THE PROSPECTIVE JUROR: I did. On two.

3 THE COURT: Tell us about those.

4 THE PROSPECTIVE JUROR: Okay. I guess the first one
5 is hardship in terms of being here --

6 THE COURT: Yes.

7 THE PROSPECTIVE JUROR: -- because I have my
8 two-month-old grandson that I have three days a week while my
9 daughter went back to work part-time, so that was the first
10 hardship for me.

11 THE COURT: And the second?

12 THE PROSPECTIVE JUROR: I have the whole terrorism
13 issue. My husband was -- my husband was in the Trade Center
14 twice --

15 THE COURT: Say no more. Thank you.

16 THE PROSPECTIVE JUROR: Okay.

17 THE COURT: You are excused, and please give the
18 paddle and you have all my respect. You can go back to the
19 second floor. Thank you.

20 (Prospective juror excused.)

21 THE COURTROOM DEPUTY: Juror 84.

22 (Prospective juror approaches sidebar.)

23 THE COURT: Good afternoon, young lady. Thank you
24 for your patience.

25 Did you raise your paddle on any issues?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Tell us about those.

3 THE PROSPECTIVE JUROR: Because of, like, any crime
4 with my family. I have three brother was convicted for
5 murder, so --

6 THE COURT: I'm so sorry.

7 THE PROSPECTIVE JUROR: For me to sit on a case to
8 decide somebody else is guilty or not guilty, it's very hard
9 for me.

10 THE COURT: You couldn't do it. Okay, we'll excuse
11 you. Give the paddle to my deputy and go back to the second
12 floor. Thank you.

13 THE PROSPECTIVE JUROR: Thank you.

14 THE COURT: Thank you.

15 (Prospective juror excused.)

16 THE COURTROOM DEPUTY: Juror 85.

17 (Prospective juror approaches sidebar.)

18 THE COURT: Good afternoon. Thank you for your
19 patience.

20 Did you raise your paddle on any issues?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Tell us about those.

23 THE PROSPECTIVE JUROR: My daughter, she -- we have
24 trouble having a baby-sitter because I had a motorcycle
25 accident a couple months ago, I haven't gone to work, so my

JURY SELECTION - SIDEBAR

1 parents used to look after my daughter so now that I'm not at
2 work, they went to India --

3 THE COURT: Okay.

4 THE PROSPECTIVE JUROR: -- and I have that problem
5 with the -- I don't have anybody to take care of her.

6 THE COURT: How old is she?

7 THE PROSPECTIVE JUROR: She's five.

8 THE COURT: Okay. Any other issues?

9 THE PROSPECTIVE JUROR: I also -- I don't know if
10 this matters, but I was born in the United Arab Emirates --

11 THE COURT: Okay.

12 THE PROSPECTIVE JUROR: -- it's a Muslim country, so
13 I don't know if that's --

14 THE COURT: That doesn't matter.

15 THE PROSPECTIVE JUROR: And the disability, that's
16 it. Other than that --

17 THE COURT: Okay. I think you can serve, so we will
18 let you serve. Why don't you just be seated next to --

19 THE PROSPECTIVE JUROR: Okay.

20 THE COURT: Thanks.

21 (Prospective juror returns to seat.)

22 THE COURTROOM DEPUTY: Juror 86.

23 (Prospective juror approaches sidebar.)

24 THE COURT: Good afternoon, and thank you for your
25 patience. I appreciate it.

JURY SELECTION - SIDEBAR

1 Did you raise your paddle on any issues?

2 THE PROSPECTIVE JUROR: Yes, I did.

3 THE COURT: Tell us about those.

4 THE PROSPECTIVE JUROR: I think the way you put the
5 question was about the United States policy in the Middle
6 East.

7 THE COURT: Yes.

8 THE PROSPECTIVE JUROR: I feel very strongly that
9 our intervention in the Middle East has caused a lot of the
10 destabilization that's there.

11 THE COURT: Okay. Do you think you can be fair and
12 impartial in this case?

13 THE PROSPECTIVE JUROR: I think it would be tough.
14 I would try, but --

15 THE COURT: Do you think you could be? Remember, we
16 are talking about this case, one individual. We are not
17 talking about all of our policies.

18 THE PROSPECTIVE JUROR: I probably could.

19 THE COURT: You could be fair?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Okay. We'll let you serve. Why don't
22 you sit.

23 (Prospective juror returns to seat.)

24 THE COURTROOM DEPUTY: Juror 87.

25 (Prospective juror approaches sidebar.)

JURY SELECTION - SIDEBAR

1 THE COURT: Welcome. Appreciate your patience,
2 Juror 87, thank you.

3 Did you raise your paddle on any issues?

4 THE PROSPECTIVE JUROR: Yeah, I did.

5 THE COURT: Tell us about those.

6 THE PROSPECTIVE JUROR: I'm not going to be able to
7 be impartial because, I mean, I have prejudice against
8 Middle-Eastern people.

9 THE COURT: You have prejudice against
10 Middle-Eastern people?

11 THE PROSPECTIVE JUROR: I'm prejudice against
12 Middle-Eastern. Also, I'm a criminal; I would never put
13 anybody in jail.

14 THE COURT: Okay.

15 THE PROSPECTIVE JUROR: That's my thing, I can't
16 be --

17 THE COURT: Other than being prejudice and being a
18 criminal, any there any other issues?

19 THE PROSPECTIVE JUROR: Well, I'm not going to put
20 anybody in jail or incarceration --

21 THE COURT: No matter what they do.

22 THE PROSPECTIVE JUROR: -- or imprisonment no matter
23 what.

24 THE COURT: So you couldn't follow my instructions?

25 THE PROSPECTIVE JUROR: No. That's the laws I live

JURY SELECTION - SIDEBAR

1 by. I'm a Latin King.

2 THE COURT: Okay. I appreciate those are the laws
3 you live by, but I've got the laws I live by, so you are
4 excused.

5 THE PROSPECTIVE JUROR: Okay.

6 THE COURT: Give that to my deputy, and we've got a
7 nice contract case for you to work on.

8 THE PROSPECTIVE JUROR: Okay.

9 THE COURT: Thanks.

10 (Prospective juror excused.)

11 THE COURTROOM DEPUTY: Juror Number 88.

12 (Prospective juror approaches sidebar.)

13 THE COURT: Hello. How are you?

14 THE PROSPECTIVE JUROR: Good. How about yourself?

15 THE COURT: Thanks. Fine, sir.

16 So did you raise your paddle for any issues?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: Tell us about those.

19 THE PROSPECTIVE JUROR: For the 9:00 a.m. to the
20 5:00 p.m. I'm a full-time college student --

21 THE COURT: Okay.

22 THE PROSPECTIVE JUROR: -- and a full-time worker as
23 well.

24 THE COURT: Okay.

25 THE PROSPECTIVE JUROR: So from work, I go straight

JURY SELECTION - SIDEBAR

1 to college five days a week.

2 THE COURT: What time is your college?

3 THE PROSPECTIVE JUROR: I have college today
4 actually at four o'clock; and then Wednesdays 6:30; and then
5 Thursdays and Fridays, I have the morning, 8:00 a.m.

6 THE COURT: Okay. So it would be difficult for you
7 to serve in a case like this.

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: I will excuse you. Thank you. Give the
10 paddle to my deputy and go back to the second floor.

11 (Prospective juror excused.)

12 THE COURTROOM DEPUTY: Juror 89.

13 (Prospective juror approaches sidebar.)

14 THE COURT: Hi. How are you?

15 THE PROSPECTIVE JUROR: Good.

16 THE COURT: Appreciate your patience.

17 Did you raise your paddle on any issues?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: Can you serve in a case like this?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Okay. You can serve, thanks.

22 Mr. Jackson?

23 THE COURTROOM DEPUTY: Sir, have a seat in the
24 second row.

25 (Prospective juror returns to seat.)

JURY SELECTION - SIDEBAR

1 Juror Number 90.

2 (Prospective juror approaches sidebar.)

3 THE COURT: Good afternoon, young lady. Thank you
4 for your patience, Juror 90.

5 Did you raise your paddle on any issues?

6 THE PROSPECTIVE JUROR: Pardon me?

7 THE COURT: Before, did you raise your paddle
8 saying -- did you raise that before when I was asking
9 questions?

10 THE PROSPECTIVE JUROR: I did.

11 THE COURT: You did. Tell us about that.

12 THE PROSPECTIVE JUROR: I don't remember the
13 question.

14 THE COURT: Okay.

15 THE CLERK: Strong feelings about law enforcement.

16 THE COURT: Strong feelings about law enforcement.
17 Do you have strong feelings about the police or anything like
18 that or prosecutors?

19 THE PROSPECTIVE JUROR: Negative feelings.

20 THE COURT: Negative feelings.

21 THE PROSPECTIVE JUROR: My son was arrested --

22 THE COURT: I'm sorry.

23 THE PROSPECTIVE JUROR: -- in the '90s -- early '90s
24 here.

25 THE COURT: I'm sorry.

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: He said the cop told him to
2 say yes to that he did certain things, and if he say yes, they
3 will let him go, and he said: Mommy, I was stupid, I say yes,
4 and they arrested him, and he served ten years and they
5 deported him to Jamaica --

6 THE COURT: I'm sorry.

7 THE PROSPECTIVE JUROR: -- and he was there two
8 years ago, he and his friend were sitting on the roadside and
9 the car pull up, two gunmen with gun and they shot both of
10 them dead. My son got 21 shots from head to toe.

11 THE COURT: I'm sorry. That's horrible.

12 THE PROSPECTIVE JUROR: And up to now, the
13 Government did nothing to find the killers.

14 THE COURT: I'm just appalled by that.

15 THE PROSPECTIVE JUROR: I don't think I could make a
16 fair --

17 THE COURT: I understand. You have all the Court's
18 sympathy, we will excuse you from service in this case, and
19 God bless you.

20 THE PROSPECTIVE JUROR: Thank you sir.

21 THE COURT: Give the paddle to my deputy and go back
22 to the second floor.

23 (Prospective juror excused.)

24 THE COURTROOM DEPUTY: Juror 91.

25 (Prospective juror approaches sidebar.)

JURY SELECTION - SIDEBAR

1 THE COURT: Good afternoon.

2 THE PROSPECTIVE JUROR: Good afternoon, Your Honor.

3 THE COURT: Thank you for your patience.

4 THE PROSPECTIVE JUROR: Of course.

5 THE COURT: Appreciate it.

6 Did you raise your paddle on any issues?

7 THE PROSPECTIVE JUROR: Oh, okay.

8 THE COURT: Did you have any issues before?

9 THE PROSPECTIVE JUROR: I am supposed to be out of
10 town on Thursday and Friday for a work event.

11 THE COURT: Generally, what kind of work event?

12 THE PROSPECTIVE JUROR: It is a leadership
13 conference to plan the future of the agency.

14 THE COURT: Okay. Beyond that, and I know it's an
15 imposition, is there anything else that would prevent you from
16 being on this jury?

17 THE PROSPECTIVE JUROR: No, but we would likely have
18 to reschedule that because I'm the leader of the agency.

19 THE COURT: Okay. You know what, I appreciate it
20 would be a burden, but I'm going to ask you to serve. Thank
21 you. So you can sit down.

22 Seat her, please.

23 (Prospective juror returns to seat.)

24 THE COURTROOM DEPUTY: Juror 92.

25 (Prospective juror approaches sidebar.)

JURY SELECTION - SIDEBAR

1 THE COURT: Good afternoon and thank you for your
2 patience, Juror 92, appreciate it.

3 Did you raise your paddle on any issues?

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: Tell us about those.

6 THE PROSPECTIVE JUROR: The reading issue. I have a
7 learning disability where I have, like, a level of a fifth
8 grader, so I don't understand certain things.

9 THE COURT: I understand. Any other issues?

10 THE PROSPECTIVE JUROR: My dad does depend on me
11 medical-wise, so I have, like, appointments for him this week.

12 THE COURT: I appreciate that and I wish you all the
13 best. You don't have to serve on this case. Give the paddle
14 to my deputy and go back to the second floor.

15 THE PROSPECTIVE JUROR: Thank you.

16 THE COURT: Thank you.

17 (Prospective juror excused.)

18 THE COURTROOM DEPUTY: Juror 93.

19 (Prospective juror approaches sidebar.)

20 THE COURT: Good afternoon, sir, and thank you for
21 your patience.

22 Did you raise your paddle on any of those issues?

23 THE PROSPECTIVE JUROR: For a few items.

24 THE COURT: Okay. Tell us about those.

25 THE PROSPECTIVE JUROR: One of which is I have a

JURY SELECTION - SIDEBAR

1 young son who I care for in the evenings.

2 The second one is that I work at Brooklyn Law School
3 and I'm familiar with a lot of the judges on this court and
4 have close relationships with the DA's office.

5 THE COURT: What do you do at Brooklyn Law School?

6 THE PROSPECTIVE JUROR: I'm the director of events.

7 THE COURT: Are you an attorney?

8 THE PROSPECTIVE JUROR: I'm not an attorney, no.

9 THE COURT: Okay. So other than those, are there
10 any other reasons you might not be able to serve?

11 THE PROSPECTIVE JUROR: Just also that -- I also
12 raised it just because I have family members who are on the
13 NYPD as well.

14 THE COURT: Okay. Would you be able to be fair and
15 impartial in this case if you were asked to serve?

16 THE PROSPECTIVE JUROR: I can't say for certain. As
17 an eyewitness of 9/11 --

18 THE COURT: You have to look me in the eye and tell
19 me whether you think you can be fair and impartial in this
20 case.

21 THE PROSPECTIVE JUROR: I'm not confident.

22 THE COURT: You have to look me in the eye. Yes or
23 no, could you fair and impartial in this case?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: Then we will excuse you. Thank you.

JURY SELECTION - SIDEBAR

1 Give the paddle and you're excused. Go back to the second
2 floor.

3 (Prospective juror excused.)

4 THE COURTROOM DEPUTY: Juror Number 94.

5 (Prospective juror approaches sidebar.)

6 THE COURT: Good afternoon. How are you?

7 THE PROSPECTIVE JUROR: Good, how are you?

8 THE COURT: Good.

9 Did you raise your paddle before?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay. Tell me those issues.

12 THE PROSPECTIVE JUROR: One, I'm traveling for --
13 I'm going to be traveling to Canada next week for work.

14 THE COURT: What kind of work generally?

15 THE PROSPECTIVE JUROR: Finance, accounting.

16 THE COURT: Okay. And what else?

17 THE PROSPECTIVE JUROR: And then the second reason
18 is that my older brother, he was convicted before and he got
19 arrested. He served in jail for -- was in jail for a couple
20 years.

21 THE COURT: Anything about those experiences make it
22 difficult for you to serve in a case like this?

23 THE PROSPECTIVE JUROR: Yeah, it's going to be a
24 little bit difficult because I may have -- it's going to be
25 hard to have an unbiased view.

JURY SELECTION - SIDEBAR

1 THE COURT: Then we will excuse you. Give the
2 paddle to my deputy and go back to the second floor.

3 (Prospective juror excused.)

4 THE COURTROOM DEPUTY: Juror Number 95.

5 (Prospective juror approaches sidebar.)

6 THE COURT: Good afternoon. How are you?
7 Appreciate your patience.

8 THE PROSPECTIVE JUROR: Thank you.

9 THE COURT: Did you raise your paddle on any issues?

10 THE PROSPECTIVE JUROR: I did.

11 THE COURT: Tell us about those.

12 THE PROSPECTIVE JUROR: I won't be able to stay
13 unbiased because I have a very, like, negative view of
14 terrorists groups of 9/11. My aunt lost her sister that day
15 and my dad, who is now retired, was a police officer helping
16 out --

17 THE COURT: It's okay. We have enough. Thank you.
18 You're excused. Give the paddle to my deputy and go back to
19 the second floor.

20 (Prospective juror excused.)

21 THE COURT: He was a 9/11.

22 THE COURTROOM DEPUTY: Juror Number 96.

23 (Prospective juror approaches sidebar.)

24 THE COURT: Thank you, sir. Appreciate your
25 patience.

JURY SELECTION - SIDEBAR

1 Did you raise your paddle on any issues?

2 THE PROSPECTIVE JUROR: Yeah.

3 THE COURT: Tell us about those.

4 THE PROSPECTIVE JUROR: I have a -- so it's just
5 like the last thing, I think, you mentioned about having any
6 questions maybe --

7 THE COURT: Yeah, the general generic --

8 THE PROSPECTIVE JUROR: I have a psychiatrist
9 appointment tomorrow.

10 THE COURT: What time?

11 THE PROSPECTIVE JUROR: 5:30.

12 THE COURT: I'm going to ask you, we may be able to
13 end at 5:00, maybe a little earlier, so you can get there.
14 Will that be okay, or is there somebody to call --

15 THE PROSPECTIVE JUROR: It's midtown. Can I go in a
16 little more detail about it?

17 THE COURT: No, no. I mean other than that --

18 THE PROSPECTIVE JUROR: It relates to -- I have a
19 personal trauma that relates to terrorism actually.

20 THE COURT: So you think really you shouldn't serve
21 in a case like this?

22 THE PROSPECTIVE JUROR: Yeah.

23 THE COURT: You are excused. Give the paddle to my
24 deputy and go to the second floor.

25 THE PROSPECTIVE JUROR: Thank you.

JURY SELECTION - SIDEBAR

1 (Prospective juror excused.)

2 THE COURTROOM DEPUTY: Juror Number 97.

3 (Prospective juror approaches sidebar.)

4 THE COURT: Thank you for your patience, Juror 97,
5 appreciate it.

6 Did you raise your paddle on any of those issues
7 earlier?

8 THE PROSPECTIVE JUROR: I did.

9 THE COURT: Tell me about that.

10 THE PROSPECTIVE JUROR: It was do you know someone
11 who is in the FBI or the --

12 THE COURT: Right. And do you?

13 THE PROSPECTIVE JUROR: Yeah. My -- one of my best
14 friends is in the police department -- NYPD.

15 THE COURT: Beyond that, anything else?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: Anything to make it difficult for you to
18 serve in this case?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: Then you can serve. Thanks. We'll seat
21 you.

22 THE PROSPECTIVE JUROR: Great.

23 (Prospective juror returns to seat.)

24 THE COURT: Who wants to come up?

25 Come on up.

JURY SELECTION - SIDEBAR

1 Call him up, 85.

2 (Prospective juror approaches sidebar.)

3 THE COURT: 85. Yes, Juror 85.

4 THE PROSPECTIVE JUROR: I'm sorry, I forgot to tell
5 you last time, I had some appointments also, like, the
6 physical therapy appointments and my doctors' appointments.

7 THE COURT: Could they be rescheduled?

8 THE PROSPECTIVE JUROR: I tried -- I don't know.
9 The other one is for -- to clear me for -- to go to work
10 because of the disability --

11 THE COURT: Okay.

12 THE PROSPECTIVE JUROR: -- and to get that guy's
13 appointment is hard. It took me about two months to get his
14 appointment.

15 THE COURT: Okay. Well, I'm sure a federal judge
16 can help clear his calendar, so you can serve, take your seat
17 again. Thanks.

18 (Prospective juror returns to seat.)

19 THE COURTROOM DEPUTY: Juror 98.

20 (Prospective juror approaches sidebar.)

21 THE COURT: Good afternoon, Juror 98. Thank you for
22 your patience.

23 THE PROSPECTIVE JUROR: Hello.

24 THE COURT: Did you raise your paddle on any issues?

25 THE PROSPECTIVE JUROR: Yes.

JURY SELECTION - SIDEBAR

1 THE COURT: Tell us about those.

2 THE PROSPECTIVE JUROR: The personal one.

3 THE COURT: Yes.

4 THE PROSPECTIVE JUROR: So I'm a teacher, like, I'm
5 the only teacher in a special education class for first grade,
6 and I feel like it would just be hard having the kids adjust
7 to a new substitute teacher every day. Also, I am leaving the
8 state next Friday. I didn't know if that --

9 THE COURT: We will probably be done by next Friday,
10 so do you think you will be able to serve? I know you have
11 other things to do, but do you think --

12 THE PROSPECTIVE JUROR: Only because of the whole
13 teaching thing.

14 THE COURT: I know the teaching thing is important,
15 but this is too, so could you serve if you had to?

16 THE PROSPECTIVE JUROR: I mean --

17 THE COURT: I know you don't want to --

18 THE PROSPECTIVE JUROR: Yeah, I don't.

19 THE COURT: -- but if you had to -- I'm going to be
20 mean and say you have to.

21 THE PROSPECTIVE JUROR: I guess if I had to, then I
22 would, but then also I'm doing my master's too, and I don't
23 really --

24 THE COURT: You know what, I understand, but you
25 have to, so I'm going to insist that you serve for now, okay?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: Okay.

2 THE COURT: Okay.

3 THE PROSPECTIVE JUROR: Can I eat, though?

4 THE COURT: Yes.

5 THE PROSPECTIVE JUROR: Okay.

6 THE COURT: Okay. Fast.

7 (Prospective juror returns to seat.)

8 THE COURTROOM DEPUTY: Juror 99.

9 (Prospective juror approaches sidebar.)

10 THE COURT: Good afternoon. Thank you, Juror 99.

11 THE PROSPECTIVE JUROR: Hi.

12 THE COURT: Did you raise your paddle on any issues?

13 THE PROSPECTIVE JUROR: Issues? No.

14 THE COURT: Okay. So do you think you can serve in
15 a case like this?

16 THE PROSPECTIVE JUROR: Yeah, I can.

17 THE COURT: Okay, then you can serve. Thanks.

18 Seat her.

19 (Prospective juror returns to seat.)

20 THE COURTROOM DEPUTY: Juror 100.

21 (Prospective juror approaches sidebar.)

22 THE COURT: Good afternoon, young lady. Thank you
23 for your patience.

24 Did you raise your paddle on any issues?

25 THE PROSPECTIVE JUROR: Yes.

JURY SELECTION - SIDEBAR

1 THE COURT: Tell us about those.

2 THE PROSPECTIVE JUROR: The main one is I have plain
3 reservations next Thursday.

4 THE COURT: Okay.

5 THE PROSPECTIVE JUROR: I'm going on a cruise.

6 THE COURT: Okay. Enjoy your cruise. Give the
7 paddle to my deputy. Bon voyage.

8 THE PROSPECTIVE JUROR: Thank you.

9 THE COURT: Go to the second floor. Thank you.

10 (Prospective juror excused.)

11 THE COURTROOM DEPUTY: Juror Number 102.

12 THE COURT: Did you miss 101?

13 101 had to go because of -- hello, how are you?

14 THE PROSPECTIVE JUROR: Good. How are you?

15 THE COURT: Good. Thank you for being so patient.

16 You are Juror 102.

17 Any issues that you raised your paddle on?

18 THE PROSPECTIVE JUROR: I did. I work for a
19 criminal defense practice --

20 THE COURT: Okay.

21 THE PROSPECTIVE JUROR: -- in Staten Island and
22 work -- I also write preceding memorandums for the
23 prosecution.

24 THE COURT: Okay, so you are on both sides?

25 THE PROSPECTIVE JUROR: Yes.

JURY SELECTION - SIDEBAR

1 THE COURT: All right. Anything about that
2 experience that will make it difficult or impossible for you
3 to be fair on a case like this?

4 THE PROSPECTIVE JUROR: I mean, I would do my best
5 to be impartial, but I think I would always think from a
6 defense point of view because I'm on the defense side.

7 THE COURT: Okay. Well, we presume innocence here,
8 so other than that, anything else?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: Okay, we'll let you serve. Thanks.

11 (Prospective juror returns to seat.)

12 MR. PRAVDA: Your Honor, can we make an application
13 for her because she said she favored the defense.

14 THE COURT: She said she might. And I said, well,
15 you know, it's presumption of innocence, and then I said
16 that's why God made peremptories. Okay?

17 THE COURTROOM DEPUTY: Juror number 103.

18 (Prospective juror approaches sidebar.)

19 THE PROSPECTIVE JUROR: Hi.

20 THE COURT: Hi. How are you?

21 THE PROSPECTIVE JUROR: Good. How are you?

22 THE COURT: Did you raise your paddle for any
23 issues?

24 THE PROSPECTIVE JUROR: No, no issue.

25 THE COURT: No issues?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: No issues.

2 THE COURT: Do you think you can serve in a case
3 like this?

4 THE PROSPECTIVE JUROR: I guess so.

5 THE COURT: I think you could. Okay, you can serve.
6 Thank you. Go ahead.

7 (Prospective juror excused.)

8 MR. HAGGANS: That's 36, Your Honor.

9 THE COURT: 36? Then we have that one juror who
10 went out to lunch, the one that said, "Can I eat?"

11 THE CLERK: I thought we excused her.

12 THE COURT: No, I don't think we did. The one who
13 said she wanted to go out to lunch.

14 MS. MACEDONIO: 98.

15 THE COURT: Was that 98?

16 MS. MACEDONIO: The teacher.

17 THE COURT: She's out of the room, right? I think I
18 saw her go out. I told her to be quick.

19 THE COURTROOM DEPUTY: Juror Number 98.

20 MR. HAGGANS: Your Honor, will the Court be
21 entertaining any cause challenges --

22 THE COURT: No.

23 MR. HAGGANS: Understood.

24 THE COURTROOM DEPUTY: Juror Number 98 and 99 went
25 to lunch.

JURY SELECTION - SIDEBAR

1 THE COURT: Then let's keep going.

2 THE COURTROOM DEPUTY: Juror 104, please come up.

3 (Prospective juror approaches sidebar.)

4 THE COURT: Good afternoon, Juror 104. Thank you
5 for your patience.

6 Did you raise your paddle on any issues?

7 THE PROSPECTIVE JUROR: One.

8 THE COURT: What was that?

9 THE PROSPECTIVE JUROR: I have a friend who's a
10 federal agent.

11 THE COURT: Okay. Was there anything about that
12 relationship that would make it difficult or impossible for
13 you to be fair in this case?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: Okay. You can serve.

16 THE PROSPECTIVE JUROR: Thank you.

17 THE COURT: Thank you.

18 Why don't you seat her.

19 (Prospective juror returns to seat.)

20 THE COURTROOM DEPUTY: Juror 105.

21 (Prospective juror approaches sidebar.)

22 THE COURT: Thank you. Appreciate your patience.

23 Did you raise your paddle on any issues?

24 THE PROSPECTIVE JUROR: Sorry, English is not good.

25 THE COURT: Your English is not good enough? I

JURY SELECTION - SIDEBAR

1 understand. You are excused. Give the paddle to my deputy
2 and go back to the second floor.

3 THE PROSPECTIVE JUROR: Okay. Thank you.

4 THE COURT: Okay? Thank you.

5 (Prospective juror excused.)

6 THE COURTROOM DEPUTY: Juror 106.

7 (Prospective juror approaches sidebar.)

8 THE COURT: Good afternoon.

9 THE PROSPECTIVE JUROR: Good afternoon.

10 THE COURT: Thank you for your patience.

11 Did you raise your paddle on any issues?

12 THE PROSPECTIVE JUROR: One.

13 THE COURT: Tell us about that.

14 THE PROSPECTIVE JUROR: I think you said was I ever
15 been a victim of a crime or something like that?

16 THE COURT: Yes.

17 THE PROSPECTIVE JUROR: Yes, I was.

18 THE COURT: When was that? And I'm sorry it
19 happened. How many years ago?

20 THE PROSPECTIVE JUROR: Now I'm 60, but the first
21 time was, like, when I was 20 --

22 THE COURT: You can't be that old. Come on. Come
23 on.

24 THE PROSPECTIVE JUROR: Yeah, and it was right here
25 in Brooklyn, I got robbed in daylight.

JURY SELECTION - SIDEBAR

1 And then second time I was still in my 20s, I got
2 robbed late at night, and then about 40, my house was broken
3 into.

4 THE COURT: Okay. So anything about all those
5 experiences, individually or collectively, make it difficult
6 or impossible for you to serve in a case like this?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: Okay. Anything else?

9 THE PROSPECTIVE JUROR: That's it.

10 THE COURT: Then you can serve.

11 THE PROSPECTIVE JUROR: All right.

12 THE COURT: All right. Thank you.

13 Mr. Jackson, would you seat the potential juror.

14 (Prospective juror returns to seat.)

15 THE COURTROOM DEPUTY: Juror 107.

16 (Prospective juror approaches sidebar.)

17 THE COURT: How are you? Good afternoon. Thank
18 you.

19 Did you raise your paddle for any issues, Juror 107?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: Okay. Any reason you couldn't serve in
22 a case like this?

23 THE PROSPECTIVE JUROR: I'm willing to serve, but
24 only thing is nowadays my -- I have right foot gout, I'm
25 taking medicine --

JURY SELECTION - SIDEBAR

1 THE COURT: Yes.

2 THE PROSPECTIVE JUROR: -- so because -- I am
3 willing to do that. If pain increase, so then I have to
4 excuse for that day.

5 THE COURT: For the whole day?

6 THE PROSPECTIVE JUROR: For some other day if pain
7 increase because I'm taking medicine --

8 THE COURT: Okay. Well, we have to do this day to
9 day, this week and next week, so we can't excuse jurors from
10 any day this week or next week. Would that be a problem for
11 you if you have a foot problem?

12 THE PROSPECTIVE JUROR: Because I cannot put the
13 foot for a long time because it gets swelling.

14 THE COURT: Okay. So you might have to miss it.

15 THE PROSPECTIVE JUROR: I'm taking medicine, but
16 it's all up to you.

17 THE COURT: Okay. You know, what, we'll excuse you
18 on that basis. Thank you. Give the paddle to my deputy and
19 go back to the second floor. Thank you.

20 THE PROSPECTIVE JUROR: Thank you very much.

21 THE COURT: Thank you.

22 (Prospective juror excused.)

23 THE COURTROOM DEPUTY: Juror 108.

24 THE COURT: So what are we up to?

25 THE CLERK: 38 so far, plus two.

JURY SELECTION - SIDEBAR

1 THE COURT: Plus two and the two that are missing?

2 THE CLERK: Yes.

3 THE COURT: Okay. 38 and the two that are missing,
4 okay.

5 Come forward.

6 (Prospective juror approaches sidebar.)

7 THE PROSPECTIVE JUROR: Good afternoon.

8 THE COURT: Thank you for your patience.

9 THE PROSPECTIVE JUROR: Thanks.

10 THE COURT: Did you raise your paddle on any issues?

11 THE PROSPECTIVE JUROR: Yes, I did.

12 THE COURT: Tell us about those.

13 THE PROSPECTIVE JUROR: It's childcare, just in the
14 mornings, dropping off -- I drop off my daughter for eight
15 o'clock.

16 THE COURT: For eight o'clock?

17 THE PROSPECTIVE JUROR: For eight o'clock. I know
18 you start at 9:30.

19 THE COURT: We do.

20 THE PROSPECTIVE JUROR: I live in Staten Island,
21 though --

22 THE COURT: Okay.

23 THE PROSPECTIVE JUROR: -- and I don't know if I can
24 make it.

25 THE COURT: I bet you can. I have friends who live

JURY SELECTION - SIDEBAR

1 in Staten Island, including one of my fellow judges, and he
2 takes mass transit.

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: Okay, we are going to let you serve.

5 THE PROSPECTIVE JUROR: Okay.

6 THE COURT: Okay, thank you. You can be seated.

7 THE PROSPECTIVE JUROR: Okay.

8 (Prospective juror returns to seat.)

9 THE COURTROOM DEPUTY: Juror Number 111.

10 (Prospective juror approaches sidebar.)

11 THE PROSPECTIVE JUROR: Hi.

12 THE COURT: How are you, Juror 111? Appreciate your
13 patience.

14 Did you raise your paddle on any issues?

15 THE PROSPECTIVE JUROR: Yeah, I have two issues, one
16 is I might be -- not be able to understand English.

17 THE COURT: You know what, we will excuse you.

18 THE PROSPECTIVE JUROR: It's my second language
19 anyway.

20 THE COURT: We will excuse you. You can go back to
21 the second floor. Give the paddle to my deputy here. Thank
22 you.

23 THE PROSPECTIVE JUROR: Thank you.

24 (Prospective juror excused.)

25 THE COURTROOM DEPUTY: Juror 113.

JURY SELECTION - SIDEBAR

1 (Prospective juror approaches sidebar.)

2 THE COURT: Good afternoon. Thank you for your
3 patience. I appreciate it, Juror 113.

4 Did you raise your paddle on any issues?

5 THE PROSPECTIVE JUROR: Yeah, the main issue is that
6 my mother-in-law is in late stage dementia.

7 THE COURT: I'm so sorry.

8 THE PROSPECTIVE JUROR: I'm, kind of, on standby;
9 I'm the only person with a car. It's kind of touch and go.

10 THE COURT: You know what, you are excused. I get
11 it. Please give the paddle to my deputy and go back to the
12 second floor.

13 THE PROSPECTIVE JUROR: Thank you.

14 THE COURT: God bless.

15 (Prospective juror excused.)

16 THE COURTROOM DEPUTY: Juror 114.

17 (Prospective juror approaches sidebar.)

18 THE COURT: Good afternoon. How are you?

19 THE PROSPECTIVE JUROR: Very well.

20 THE COURT: Thank you. Appreciate your patience.
21 Did you raise your paddle on any issues?

22 THE PROSPECTIVE JUROR: I did, and I've been a
23 witness in a criminal case.

24 THE COURT: Okay. Anything about that experience
25 that would have an impact here?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: No.

2 THE COURT: How long ago was that?

3 THE PROSPECTIVE JUROR: About 20 years ago.

4 THE COURT: About 20 years ago.

5 Any other issues?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: Okay, then you can serve. Thanks.

8 Next.

9 (Prospective juror returns to seat.)

10 THE COURTROOM DEPUTY: Juror 115.

11 (Prospective juror approaches sidebar.)

12 THE COURT: Good afternoon.

13 THE PROSPECTIVE JUROR: Hi.

14 THE COURT: Good afternoon. Thank you.

15 THE PROSPECTIVE JUROR: How are you?

16 THE COURT: You are Juror 115.

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: Appreciate your patience.

19 Did you raise your paddle on any issues?

20 THE PROSPECTIVE JUROR: I did.

21 THE COURT: Tell us about those.

22 THE PROSPECTIVE JUROR: Several things. Time-wise,

23 I have a college tour set up for my daughter next weekend

24 Friday to Monday in Boston.

25 THE COURT: Say no more, you are excused. Give the

JURY SELECTION - SIDEBAR

1 paddle to my deputy and go back to the second floor.

2 THE PROSPECTIVE JUROR: Thank you.

3 THE COURT: Thank you.

4 (Prospective juror excused.)

5 THE COURTROOM DEPUTY: Juror 116.

6 (Prospective juror approaches sidebar.)

7 THE COURT: Good afternoon, Juror 116. Thank you
8 very much.

9 THE PROSPECTIVE JUROR: Hi.

10 THE COURT: Did you raise your paddle on any of
11 those issues I was calling out earlier?

12 THE PROSPECTIVE JUROR: I raised it --

13 THE CLERK: Strong feelings about law enforcement.

14 THE PROSPECTIVE JUROR: Well, I had a few run-ins
15 with the cops before, but that was, like, when I was younger.

16 THE COURT: Okay. Any other issues?

17 THE PROSPECTIVE JUROR: Not really.

18 THE COURT: Okay.

19 I'm sorry?

20 THE CLERK: He's been arrested.

21 THE COURT: Been arrested?

22 THE PROSPECTIVE JUROR: Yeah. When I was 17, I --
23 twice, actually -- I jumped the turnstile and smoking pot --

24 THE COURT: Okay.

25 THE PROSPECTIVE JUROR: -- on the street.

JURY SELECTION - SIDEBAR

1 THE COURT: Well, you know, youthful indiscretions,
2 I hear you, but we will excuse you from this jury.

3 THE PROSPECTIVE JUROR: Okay.

4 THE COURT: Give the paddle to my deputy and go back
5 to the second floor.

6 THE PROSPECTIVE JUROR: All right. Thank you.

7 (Prospective juror excused.)

8 THE COURT: Are the jurors all back, or are we
9 missing people?

10 THE COURTROOM DEPUTY: I will double-check.

11 THE COURT: Don't double check yet; stay here. I
12 just want to know who we're missing. All right, let's go.

13 THE COURTROOM DEPUTY: Juror 117.

14 THE COURT: Which numbers are we missing? Do you
15 know?

16 THE COURTROOM DEPUTY: I would have to check, Judge.
17 They are scattered.

18 THE COURT: You don't know which ones stepped out?
19 Do you know which ones stepped out?

20 MR. HAGGANS: No.

21 THE COURT: No? Okay.

22 (Prospective juror approaches sidebar.)

23 THE COURT: Hi. How are you today?

24 THE PROSPECTIVE JUROR: Fine.

25 THE COURT: Good.

JURY SELECTION - SIDEBAR

1 Did you raise your paddle on any issues?

2 THE PROSPECTIVE JUROR: Yeah.

3 THE COURT: Okay. I know it seems like a long time
4 ago. It probably was a long time ago. Tell me what they
5 were, if you recall. If not, my law clerks will help me.

6 THE PROSPECTIVE JUROR: Legal training.

7 THE COURT: Tell me about that.

8 THE PROSPECTIVE JUROR: I was a sanitation officer,
9 I gave summonses, arrests. I have a son who is a detective in
10 the NYU.

11 THE COURT: Anything else?

12 THE PROSPECTIVE JUROR: NYPD, not NYU.

13 THE COURT: All right. Any other issues?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: Okay. We'll excuse from you this case.
16 We will get you a nice civil contracts case to work on. You
17 are excused from this one. Give the paddle to my deputy and
18 head back down.

19 THE PROSPECTIVE JUROR: Thank you.

20 (Prospective juror excused.)

21 THE COURTROOM DEPUTY: Juror 118.

22 (Prospective juror approaches sidebar.)

23 THE COURT: Hi. How are you?

24 THE PROSPECTIVE JUROR: Good. How are you?

25 THE COURT: Thank your for your patience. I very

JURY SELECTION - SIDEBAR

1 much appreciate it.

2 Did you raise your paddle on any issues?

3 THE PROSPECTIVE JUROR: I did.

4 THE COURT: Tell me about those.

5 THE PROSPECTIVE JUROR: I raised it with regards to
6 dealings with law enforcement and trusting law enforcement.

7 THE COURT: Right.

8 THE PROSPECTIVE JUROR: I had the FBI arrest a
9 family member of mine and they were convicted of a crime and
10 sent to federal detention camp. I've also had close family
11 members -- my father, my uncle and my grandfather -- held up
12 at gunpoint in their store multiple times, and law enforcement
13 didn't do anything to bring any kind of justice to the
14 situation.

15 THE COURT: And so you would not be able to be fair
16 in a case like this?

17 THE PROSPECTIVE JUROR: I don't believe so, no.

18 THE COURT: Okay, then you are excused. I
19 appreciate your candor. Give the paddle back to my law clerk
20 and go back to the second floor. Thank you.

21 THE PROSPECTIVE JUROR: Thank you.

22 (Prospective juror excused.)

23 THE COURTROOM DEPUTY: Juror 119.

24 (Prospective juror approaches sidebar.)

25 THE COURT: Thank you for your patience. I

JURY SELECTION - SIDEBAR

1 appreciate it.

2 Did you raise your paddle on any issues, Juror 119?

3 THE PROSPECTIVE JUROR: I don't think any major
4 issues.

5 THE COURT: How about any minor issues?

6 THE PROSPECTIVE JUROR: I think, like, I was a
7 victim of a violent crime.

8 THE COURT: Were you?

9 THE PROSPECTIVE JUROR: Yeah, I was.

10 THE COURT: I'm sorry, when was that?

11 THE PROSPECTIVE JUROR: Four years ago.

12 THE COURT: Okay. And did they catch the person who
13 did it?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: I'm sorry. Anything about that
16 experience have an impact on your ability to be fair in a case
17 like this?

18 THE PROSPECTIVE JUROR: No.

19 THE COURT: Any other issues?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: Okay. Then you can serve.

22 THE PROSPECTIVE JUROR: Okay.

23 THE COURT: Thank you.

24 Seat him.

25 (Prospective juror returns to seat.)

JURY SELECTION - SIDEBAR

1 THE COURTROOM DEPUTY: Juror 120.

2 (Prospective juror approaches sidebar.)

3 THE COURT: Thank you, Juror 120. I appreciate it.

4 Did you raise your paddle on any issues?

5 THE PROSPECTIVE JUROR: Just the -- when I was

6 younger, my house was broken into.

7 THE COURT: I'm sorry. Did they catch the person

8 who did it or persons?

9 THE PROSPECTIVE JUROR: I don't know. I was, like,

10 10 --

11 THE COURT: Okay.

12 THE PROSPECTIVE JUROR: -- I was really young.

13 THE COURT: I'm sorry. Anything about that

14 experience have an impact on a case like this?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: Any other issues?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: They you can serve.

19 THE PROSPECTIVE JUROR: All right.

20 THE COURT: Thank you.

21 Mr. Jackson?

22 (Prospective juror returns to seat.)

23 THE COURTROOM DEPUTY: Juror 121.

24 (Prospective juror approaches sidebar.)

25 THE COURT: Thank you. Appreciate your patience.

JURY SELECTION - SIDEBAR

1 Did you raise your paddle before?

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: Any issues?

4 THE PROSPECTIVE JUROR: Yeah, kind of.

5 THE COURT: Kind of tell us.

6 THE PROSPECTIVE JUROR: I live in a neighborhood
7 with a lot of Muslims around and I have a little animosity
8 towards them. They're --

9 THE COURT: You have some animosity towards them?

10 THE PROSPECTIVE JUROR: Yeah.

11 THE COURT: We'll excuse you in this case, then.

12 THE PROSPECTIVE JUROR: All right.

13 THE COURT: Give the paddle to my courtroom deputy
14 and go back to the second floor.

15 THE PROSPECTIVE JUROR: Thank you.

16 (Prospective juror excused.)

17 THE COURTROOM DEPUTY: Juror 122.

18 THE COURT: We had a total of 130?

19 THE COURTROOM DEPUTY: Yes.

20 (Prospective juror approaches sidebar.)

21 THE COURT: Hi.

22 THE PROSPECTIVE JUROR: Hi.

23 THE COURT: Please come forward. Thank you for your
24 patience.

25 Did you raise your paddle on any of those issues

JURY SELECTION - SIDEBAR

1 before?

2 THE PROSPECTIVE JUROR: No.

3 THE COURT: Okay. Is there any reason you could not
4 serve?

5 THE PROSPECTIVE JUROR: Personal issues.

6 THE COURT: Tell me.

7 THE PROSPECTIVE JUROR: So I recently started a job,
8 I work with kids with severe developmental disabilities, and
9 they count on me every day --

10 THE COURT: You know what, I will excuse you on that
11 basis.

12 THE PROSPECTIVE JUROR: Thank you so much.

13 THE COURT: Go back to the second floor.

14 (Prospective juror excused.)

15 THE COURTROOM DEPUTY: Juror 123.

16 (Prospective juror approaches sidebar.)

17 THE COURT: Good afternoon, young lady. Thank you
18 for your patience. I appreciate it.

19 Did you raise your paddle on any of those issues
20 that I called out before?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Tell me about those.

23 THE PROSPECTIVE JUROR: The biggest issue right now
24 is that my brother was just diagnosed with colon cancer and my
25 mind can't concentrate hardly on anything.

JURY SELECTION - SIDEBAR

1 THE COURT: You know what, say no more, you go with
2 our blessings --

3 THE PROSPECTIVE JUROR: Okay.

4 THE COURT: -- and may God be good to you and your
5 family. Please give the paddle to my deputy --

6 THE PROSPECTIVE JUROR: Okay.

7 THE COURT: -- and go back to the second floor.

8 THE PROSPECTIVE JUROR: Thank you.

9 THE COURT: Thank you.

10 (Prospective juror excused.)

11 THE COURTROOM DEPUTY: Juror 124.

12 (Prospective juror approaches sidebar.)

13 THE COURT: Good afternoon, sir. Thank you for your
14 patience. I appreciate it.

15 Did you raise your paddle on any of those issues?

16 THE PROSPECTIVE JUROR: I did.

17 THE COURT: Tell me about those.

18 THE PROSPECTIVE JUROR: So one of them was -- my
19 biasness --

20 THE COURT: Yes.

21 THE PROSPECTIVE JUROR: -- my bias. Based on what
22 the court case is, I had a parent during 9/11 in the Twin
23 Towers, and it's one of those things that definitely, kind of,
24 has me leaning towards one direction in the sense of which --

25 THE COURT: So you are not sure you could be fair in

JURY SELECTION - SIDEBAR

1 a case like this?

2 THE PROSPECTIVE JUROR: I'm -- I can't.

3 THE COURT: Okay. Then we will excuse you, I
4 appreciate your candor. Please give the paddle to my deputy
5 and go back to the second floor. Thank you.

6 THE PROSPECTIVE JUROR: Thank you.

7 (Prospective juror excused.)

8 THE COURTROOM DEPUTY: Juror 125. Juror 125. Thank
9 you.

10 (Prospective juror approaches sidebar.)

11 THE COURT: Thank you for your patience, young lady,
12 appreciate it.

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Did you raise your paddle on any issues
15 before when you were sitting out there when I was calling out
16 the issues?

17 THE PROSPECTIVE JUROR: Just the conflict for --

18 THE COURT: Tell me about that.

19 THE PROSPECTIVE JUROR: Just next Monday, I'll be
20 out of town.

21 THE COURT: Okay. Well, we have to have everybody
22 here, so you are excused.

23 THE PROSPECTIVE JUROR: Okay.

24 THE COURT: Give the paddle to my deputy and head
25 down to the second floor. Thanks.

JURY SELECTION - SIDEBAR

1 (Prospective juror excused.)

2 THE COURTROOM DEPUTY: Juror Number 126.

3 (Prospective juror approaches sidebar.)

4 THE COURT: Thank you. Appreciate your patience,
5 sir.

6 THE PROSPECTIVE JUROR: No problem.

7 THE COURT: Did you raise your paddle on any of
8 those issues I called out?

9 THE PROSPECTIVE JUROR: I did.

10 THE COURT: Tell me about those.

11 THE PROSPECTIVE JUROR: I would struggle a little
12 bit with -- my father was -- father-in-law was a cop --

13 THE COURT: Okay.

14 THE PROSPECTIVE JUROR: -- deeply affected by the
15 September 11th events.

16 THE COURT: So you think you might be a little
17 biased?

18 THE PROSPECTIVE JUROR: Yeah.

19 THE COURT: Okay. We'll excuse you. Thank you.

20 THE PROSPECTIVE JUROR: Okay.

21 THE COURT: Give the paddle to my law clerk and go
22 down to the second floor.

23 THE PROSPECTIVE JUROR: Thank you.

24 (Prospective juror excused.)

25 THE COURTROOM DEPUTY: Juror Number 127.

JURY SELECTION - SIDEBAR

1 (Prospective juror approaches sidebar.)

2 THE COURT: Thank you. How are you?

3 THE PROSPECTIVE JUROR: Good. How are you?

4 THE COURT: I'm very well. Thank you for your
5 patience. I appreciate it.

6 THE PROSPECTIVE JUROR: Sure.

7 THE COURT: I feel like we're old friends.

8 THE PROSPECTIVE JUROR: I know, right?

9 THE COURT: Did you raise your paddle on any of
10 those issues I called out?

11 THE PROSPECTIVE JUROR: I did, just two: One, my
12 dad was convicted of a crime.

13 THE COURT: I'm sorry.

14 THE PROSPECTIVE JUROR: I know, right? But, you
15 know, I had to answer yes to that.

16 THE COURT: Yeah, well --

17 THE PROSPECTIVE JUROR: And then the other one is I
18 have a vacation that's scheduled on the 30th.

19 THE COURT: Which is?

20 THE PROSPECTIVE JUROR: Which is just after two
21 weeks.

22 THE COURT: Well, I assure you this case is not
23 going beyond that.

24 THE PROSPECTIVE JUROR: Okay. So if we're in
25 between the two weeks, I'm totally fine, but it's a cruise and

JURY SELECTION - SIDEBAR

1 I can't get my money back, and it's been planned for a year
2 and a half, and it's the anniversary thing and --

3 THE COURT: It's an anniversary thing?

4 THE PROSPECTIVE JUROR: -- my husband would kill me
5 if I missed it.

6 THE COURT: I definitely don't want to be involved
7 in that. You know what, you are excused, you can get ready
8 for your cruise, give your paddle to my law clerk. They are
9 all engaged -- two of them are engaged and one of them ought
10 to be engaged, but that's another story. Bottom line, have a
11 great cruise.

12 THE PROSPECTIVE JUROR: Thank you.

13 THE COURT: I'm talking about the guy sitting over
14 there who is blushing, all right? So there you go. Thanks.
15 Go back to the second floor.

16 THE CLERK: It's all on the record now, literally.

17 THE PROSPECTIVE JUROR: Thank you.

18 THE COURT: You're outed.

19 Okay, next.

20 (Prospective juror excused.)

21 THE COURTROOM DEPUTY: Juror Number 128.

22 (Prospective juror approaches sidebar.)

23 THE COURT: Good afternoon, Juror 128. Thank you so
24 much for your service and your patience.

25 Did you raise your paddle on any of those issues

JURY SELECTION - SIDEBAR

1 before?

2 THE PROSPECTIVE JUROR: Just a couple.

3 THE COURT: Tell us about those.

4 THE PROSPECTIVE JUROR: Actually, my main concern is
5 I have a doctor -- doctor's appointment next Tuesday.

6 THE COURT: Yeah.

7 THE PROSPECTIVE JUROR: I would be good if it only
8 lasted a week.

9 THE COURT: Yeah, but we are going to go two weeks.
10 So you can't do it?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: Okay. I understand. You are excused,
13 give the paddle to my deputy and go down to the second floor.

14 THE PROSPECTIVE JUROR: Thank you.

15 THE COURT: Thank you, sir.

16 THE PROSPECTIVE JUROR: Have a nice day.

17 THE COURT: You too.

18 (Prospective juror excused.)

19 THE COURTROOM DEPUTY: Juror 129.

20 (Prospective juror approaches sidebar.)

21 THE COURT: Thank you. Appreciate your patience.
22 Did you raise your paddle on any of those issues
23 before?

24 THE PROSPECTIVE JUROR: Yeah, one -- two of them.

25 THE COURT: What was that? What were they?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: I don't really remember.

2 THE CLERK: Strong feelings about law enforcement.

3 THE COURT: Strong feelings about law enforcement?

4 THE PROSPECTIVE JUROR: Yeah.

5 THE COURT: You have them?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: And you couldn't be fair in a case like
8 this?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: No.

11 You know what, you're excused. Thank you. Give the
12 paddle to my deputy, go back to the second floor.

13 THE PROSPECTIVE JUROR: Thank you.

14 (Prospective juror excused.)

15 THE COURTROOM DEPUTY: Juror 130.

16 (Prospective juror approaches sidebar.)

17 THE COURT: Thank you for your patience, young lady.
18 I appreciate it.

19 Did you raise your paddle on any of those issues?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Tell me about those.

22 THE PROSPECTIVE JUROR: The hardship.

23 THE COURT: Yes.

24 THE PROSPECTIVE JUROR: I'm a special needs teacher,
25 so I'm a unit teacher, so I'm the only liaison between the

JURY SELECTION - SIDEBAR

1 principal -- there's no principal on-site, so if I'm out for
2 two weeks, I have severely autistic children --

3 THE COURT: Say no more. You are excused. Give the
4 paddle to my deputy and go back to the second floor.

5 THE PROSPECTIVE JUROR: Thank you.

6 (Prospective juror excused.)

7 THE COURT: Ask Juror Number 102 to come back up
8 again.

9 THE COURTROOM DEPUTY: 102?

10 THE COURT: 102.

11 THE COURTROOM DEPUTY: Juror Number 102, please come
12 up.

13 (Prospective juror approaches sidebar.)

14 THE COURT: Thank you. Just so we are clear, when
15 you were here before, although you said you worked on both
16 sides of the issues, Juror 102, you said you thought you might
17 be biased; is that right?

18 THE PROSPECTIVE JUROR: I mean --

19 THE COURT: Just answer my question now. You think
20 you might be biased?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Okay. You don't have to say anymore.
23 You are excused.

24 THE PROSPECTIVE JUROR: Thank you.

25 THE COURT: Give the paddle to my deputy and go down

JURY SELECTION - SIDEBAR

1 to the second floor.

2 THE PROSPECTIVE JUROR: Thank you.

3 (Prospective juror excused.)

4 THE COURT: Close up the box so we can begin the
5 strike process.

6 MS. MACEDONIO: Your Honor?

7 THE COURT: Yes.

8 MS. MACEDONIO: If I could --

9 THE COURT: Are they all seated in order?
10 Go ahead.

11 MS. MACEDONIO: There was one juror, Juror Number
12 81, that became Juror Number 26. Since we have more jurors
13 than we actually need, I would just ask the Court to revisit
14 her. She's the one who is studying for her physical therapy
15 test in four weeks. I have a daughter who is studying for the
16 Series 7 and I know the effort that she's putting into it, and
17 I just felt that she wasn't strong enough to tell Your Honor
18 how she really felt. She almost looked like she was going to
19 cry, so that's my application to the Court.

20 THE COURT: I hear you, but I don't believe it rises
21 to the level of a for-cause challenge, and if you feel that
22 it's appropriate to excuse her with a peremptory, I don't
23 think there would be anything inappropriate about that at all,
24 but a lot of people who are here work in the area of special
25 needs, and I understand that, but I hear your application, but

JURY SELECTION - SIDEBAR

1 I don't think it rises to a for-cause reason.

2 MS. MACEDONIO: Thank you.

3 THE COURT: Okay. So now I'm going to ask you all
4 to step back. What I will do is I'm going to ask the jurors
5 to hold up their paddles for as long as you folks need to have
6 to make your decisions with peremptories, and you will let me
7 know when you are ready to exercise your peremptories and we
8 will come back to the sidebar here and you will exercise your
9 peremptories.

10 MS. SHARKEY: Judge, do you think we can have a
11 short break to use the bathroom, things like that?

12 THE COURT: Yes.

13 MS. MACEDONIO: We also haven't been able to review
14 the questionnaire yet.

15 THE COURT: I know.

16 MS. SHARKEY: So could you give us an hour.

17 THE COURT: No, I'm not going to give you an hour.
18 I will give you a 15-minute comfort break. These people have
19 been here all day. What I want you to do now is to exercise
20 your peremptories and sit down with the questionnaires and --
21 you have been through these individual examinations, and if
22 you -- you see who is in the box, you've got the
23 questionnaires, so you're really looking now at only the first
24 36 names, and go over your questionnaires as you sit there
25 but -- and obviously, you can filter out to use the facilities

JURY SELECTION - SIDEBAR

1 as you wish, but I'm not going to keep these jurors here for
2 an hour while you go over the questionnaires. Okay?

3 So we are going to take 15 minutes. What we are
4 going to do now is, I'm going to ask them to hold up their
5 paddles so you can start the process. You guys can filter in
6 and out as you need to for comfort breaks.

7 MS. SHARKEY: Will you let them know that they can
8 use the bathroom, too?

9 THE COURT: Not during this period they can't.
10 They're right here.

11 MS. SHARKEY: Okay. All right. Thank you, Judge.

12 THE COURT: Some of them, in the course of the
13 day -- you may not have noticed, but they have been doing
14 that.

15 MS. SHARKEY: Okay. Thank you, Your Honor.

16 THE COURT: We haven't been doing it, I haven't been
17 doing it. I'm 69 years old, all right?

18 MS. SHARKEY: Thank you, Judge.

19 THE COURT: These things Depends. No pun intended.

20 THE COURTROOM DEPUTY: Juror Number 58 has an issue.

21 THE COURT: Come back to the sidebar, please.

22 Number 58, would you come forward, please.

23 (Prospective juror approaches sidebar.)

24 THE PROSPECTIVE JUROR: Hi.

25 THE COURT: What is your issue?

JURY SELECTION - SIDEBAR

1 THE PROSPECTIVE JUROR: Fridays I observe Shabbas,
2 so I have to leave, like, 12:00 --

3 THE COURT: That's not going to happen. You can
4 either not serve on the jury or you can miss Shabbas.

5 THE PROSPECTIVE JUROR: I just remember that, so --

6 THE COURT: You tell me.

7 THE PROSPECTIVE JUROR: -- is it possible?

8 THE COURT: No, it's not possible to leave for
9 Shabbas. I love Shabbas, but -- I'm a Shabbas goy, but I
10 can't do it. All right? You have to be excused, then.

11 THE PROSPECTIVE JUROR: Thank you.

12 THE COURT: What's your juror paddle number?

13 THE PROSPECTIVE JUROR: 58.

14 THE COURT: 58, you are excused. Give it to my
15 deputy. Go with God. Shalom.

16 THE PROSPECTIVE JUROR: Shalom.

17 THE COURT: Anything else?

18 THE COURTROOM DEPUTY: Everybody is seated.

19 THE COURT: Okay. Let's close up the box.

20 Everybody is in numerical order, so step back, I'm
21 going to ask the jurors to hold up their paddles and then
22 we're off.

23 (Sidebar end.)

24 (Continued on the next page.)

25

JURY SELECTION

1 (In open court; prospective jurors present.)

2 THE COURT: Thank you, ladies and gentlemen of the
3 jury. I'm going to ask you to all hold up your paddles high
4 and keep them high and then I will have another sidebar with
5 the jurors -- with the lawyers and then we will proceed to the
6 next phase, so please hold your paddles up high and I
7 appreciate your patience.

8 Ladies and gentlemen, keep your paddles up but at
9 this time I'm going to ask my courtroom law clerks to excuse
10 jurors 108, 114, 119 and 120 and you can return to the second
11 floor. Jurors 108, 114, 119 and 120 and report to the second
12 floor. Thank you. Appreciate your service. Thank you very
13 much.

14 The rest of you please continue to hold your paddles
15 high.

16 I'll give counsel five more minutes and then we'll
17 have our sidebar.

18 (Pause in proceedings.)

19 THE COURT: One more minute counsel, then we'll have
20 our sidebar. All set? All right. We're going to have our
21 sidebar. White noise machine please.

22 (Continued on the next page.)
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JURY SELECTION - SIDEBAR

1 (The following occurred at sidebar.)

2 THE COURT: All right. So round one of the strikes
3 we begin with the government, you go first. You have one
4 strike in round one, which juror do you strike?

5 MR. PRAVDA: Thirty-seven.

6 THE COURT: I can't hear you, you have to keep up.

7 MR. PRAVDA: Thirty-seven.

8 THE COURT: 3-7?

9 MR. PRAVDA: Yes.

10 THE COURT: All right. Now, the defense has its
11 strike. Who do you strike first?

12 MS. MACEDONIO: Jurors 11 and 12.

13 THE COURT: Juror 11 and juror 12; is that correct?

14 MS. MACEDONIO: Yes. Your Honor --

15 THE COURT: Hang on, hang on. That ends round one.

16 MS. MACEDONIO: Just so I'm absolutely crystal
17 clear, we're using the paddle numbers, correct?

18 THE COURT: That's the only numbers you got and they
19 ought to be the same as the questionnaire numbers. Were there
20 any discrepancies between the paddle numbers and the
21 questionnaire numbers?

22 MS. SHARKEY: No.

23 MS. MACEDONIO: Not that I'm aware of.

24 MR. HAGGANS: No, Your Honor.

25 THE COURT: We're now into round two. The first two

JURY SELECTION - SIDEBAR

1 strikes in round two, the defendant who do you strike?

2 MS. MACEDONIO: Jurors number 40 --

3 THE COURT: 4-0. And?

4 MS. MACEDONIO: And 41.

5 THE COURT: 4-1.

6 Now the government, who do you strike in round two?

7 You get one strike.

8 MR. PRAVDA: Seventy-five.

9 THE COURT: 7-5; is that right?

10 MR. PRAVDA: Yes.

11 THE COURT: 7-5. That completes the strikes in
12 round two.

13 Now we're in round three. The government you get
14 one strike, who do you strike?

15 MR. PRAVDA: Eighty-six. Eighty-six.

16 THE COURT: I'm sorry.

17 MR. PRAVDA: Eighty-six.

18 THE COURT: 8-6?

19 MR. HAGGANS: 8-6.

20 THE COURT: 8-6.

21 Now we're on to the defense in round three, you have
22 two strikes, who do you strike?

23 MS. MACEDONIO: Juror Number five.

24 THE COURT: Juror Number five.

25 MS. MACEDONIO: And Juror Number 61.

JURY SELECTION - SIDEBAR

1 THE COURT: And Juror Number 6-1?

2 MS. MACEDONIO: I'm sorry, 78.

3 THE COURT: Let's try it again.

4 MS. MACEDONIO: Okay.

5 THE COURT: We're now in round three, who do you
6 strike first?

7 MS. MACEDONIO: Juror Number Five.

8 THE COURT: And?

9 MS. MACEDONIO: Juror Number 78.

10 THE COURT: 7-8.

11 We're now into round four, defense?

12 MR. PRAVDA: I'm sorry, did you say 6-1?

13 MS. MACEDONIO: No, I said 7-8.

14 MR. PRAVDA: Okay.

15 So is 61 still in?

16 MS. MACEDONIO: Yes.

17 MR. PRAVDA: Sorry about that.

18 THE COURT: We're now into round four, defense you
19 have two strikes, who do you strike in round four?

20 MS. MACEDONIO: Juror Number 61.

21 THE COURT: Juror Number 6-1. And?

22 MS. MACEDONIO: Juror Number 33.

23 THE COURT: Juror Number 3-3?

24 MS. MACEDONIO: Yes.

25 THE COURT: We're now on the government strike in

JURY SELECTION - SIDEBAR

1 round four, you get one strike in round four, who do you
2 strike?

3 MR. PRAVDA: Twenty-seven.

4 THE COURT: 2-7. That completes round four strikes.

5 We're now into round five, the government strikes
6 first, who do you strike?

7 MR. PRAVDA: Thirty-one.

8 THE COURT: 3-1.

9 Defense, you have one strike in round five, who do
10 you strike?

11 MS. MACEDONIO: Juror Number 15.

12 THE COURT: 1-5.

13 We're now into round six, defense you get the first
14 strike, who do you strike?

15 MS. MACEDONIO: Juror Number 18.

16 THE COURT: 1-8?

17 MS. MACEDONIO: Yes.

18 THE COURT: Okay. Round six, government, who do you
19 strike? You have one strike in round six.

20 MR. PRAVDA: Fifty-six.

21 THE COURT: 5-6.

22 We're now into the alternate round one. Defense,
23 who do you strike?

24 MS. MACEDONIO: Juror Number 99.

25 THE COURT: Ninety-nine is your strike in alternate

JURY SELECTION - SIDEBAR

1 one.

2 Government, you have one strike in alternate one,
3 who do you strike?

4 We're now into alternate round one and the
5 government gets one strike, who do you strike?

6 MR. PRAVDA: Oh, 99 -- 106.

7 THE COURT: 1-4-6?

8 MR. PRAVDA: 1-0-6.

9 THE COURT: 1-0-6.

10 We're now in alternate round two, government, you
11 get the first strike.

12 MR. PRAVDA: We have two in a row.

13 THE COURT: The government has one more strike.
14 We're in alternate round two, you get one more strike then the
15 defense gets a strike. This is your last strike.

16 MR. PRAVDA: Seventy-seven.

17 THE COURT: 7-7.

18 Now, defense, who do you strike as your last strike?

19 MS. MACEDONIO: Juror Number 98.

20 THE COURT: Juror Number 98.

21 Let me call them out to you again. The government
22 strikes in round one, 37; the defense strikes 11 and 12.

23 In round two, the defense strikes 40 and 41. The
24 government strikes 75.

25 In round three, the government strikes 86, the

JURY SELECTION - SIDEBAR

1 defense strikes five and 78.

2 In round four, the defense strikes 61 and 33. The
3 government strikes 27.

4 In round five, the government strikes 31, the
5 defense strikes 15.

6 In round six, the defense strikes 18, the government
7 strikes 56.

8 In alternate round one, the defense strikes 99. The
9 government strikes 106.

10 In alternate round two, the government strikes 77
11 and the defense strikes 98.

12 Does that accurately reflect your strikes?

13 MR. HAGGANS: It does, Your Honor.

14 MS. MACEDONIO: Yes, Your Honor.

15 THE COURT: Okay, step back.

16 (End of sidebar conference.)

17 (Continued on the next page.)
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JURY SELECTION

1 (In open court.)

2 THE COURT: Ladies and gentlemen, the following are
3 excused with the thanks of the Court. I'm going to ask you to
4 leave your paddles on your chair as you exit.

5 Jurors number 37, 11, 12, 40, 41, 75, 86, 5, 78, 61,
6 33, 27, 31, 15, 18, 56, 99, 106, 77, and 98. You all leave
7 with the thanks of the Court and please return to the second
8 floor jury panel. Now I'm going to ask the jurors who remain
9 to come forward in the order of your paddle number.

10 So, Mr. Jackson, just slide them forward please in
11 sequential order. Hang on one second, we'll pick up the ones
12 that were left behind. Would you help him with that.

13 Please come forward in the numerical order.

14 THE COURTROOM DEPUTY: Slide them down.

15 THE COURT: Slide them down in numerical order.

16 THE COURTROOM DEPUTY: Slide down, 17, 36, 38, 47,
17 48, 63, 67, 76, 81, 82, 85, 89, 91, 97, 103 and 104.

18 Judge, the box is full.

19 THE COURT: Thank you. Members of the jury, now
20 that you have been sworn and before we start the trial, let me
21 give you a few rules of the road.

22 It will be your duty to find from the evidence what
23 the facts are. You, and you alone, are the judges of the
24 facts. You want to swear them again?

25 THE COURTROOM DEPUTY: Yes.

JURY SELECTION

1 THE COURT: We swore them earlier. Swear them,
2 please.

3 THE COURTROOM DEPUTY: Jurors, please stand and
4 raise your right hand.

5 You, and each of you, do solemnly swear or affirm
6 that you will well and truly try this case before you and a
7 true verdict render according to the evidence and law, so help
8 you God.

9 THE JURY: I do.

10 THE COURT: Thank you. Please be seated.

11 Now that you have been sworn again, first as the
12 members of the panel and now as the jury that's been
13 selected -- well, members of the jury now that you have been
14 sworn and before we start the trial let me give you a few
15 additional rules of the road.

16 It will be your duty to find from the evidence what
17 the facts are because you, and you alone, are the judges of
18 the facts. You will apply those facts to the law that I, as
19 the Court, will give to you. You must follow that law whether
20 you agree with it or not.

21 Nothing I, as the Court, say or do during the course
22 of the trial is intended to indicate, nor should it be taken
23 by you as indicating, what your verdict should be. Do not
24 read anything into my voice. Do not try to figure out what
25 the judge thinks about the facts because that is your job and

JURY SELECTION

1 I defer to you.

2 The evidence from which you will find the facts will
3 consist of testimony of witnesses, documents, and other items
4 received into the record as evidence. Any of the facts that
5 the lawyers agree to or stipulate to, or that I may instruct
6 you to find as a matter of fact; however, there are certain
7 things which are not evidence and which you cannot consider to
8 be evidence. Statements, arguments and questions by lawyers
9 are not evidence. Lawyers ask questions. The questions are
10 not evidence. The answers the witnesses provide, those are
11 what contain evidence.

12 Lawyers make objections. Lawyers are supposed to
13 make objections. Objections are not evidence. Lawyers have
14 an obligation to their clients and to the Court to make
15 objections when they believe, for example, that evidence is
16 being offered improperly under the Federal Rules of Evidence
17 that apply in this case. You should not be influenced by the
18 objections themselves. Rather, understand that if a lawyer
19 objects to a question I will either sustain the objection or
20 overrule the objection. If I sustain the objection, you
21 should ignore the question. If I overrule the objection,
22 please treat the question and answer like any other question
23 and answer.

24 If you are instructed that some item of evidence is
25 received for a limited purpose only, you must follow that

JURY SELECTION

1 instruction. If this Court has excluded or told you to
2 disregard testimony, you cannot consider that testimony.

3 Nothing you see or hear outside of this courtroom is
4 evidence. You are to decide this case solely on the evidence
5 presented here.

6 There are essentially two kinds of evidence. There
7 is what we call direct evidence and what we call
8 circumstantial evidence. In the course of this trial you're
9 going to hear me say to witnesses periodically to speak into
10 the microphone. Even though I have a booming voice, you now
11 hear the difference between me speaking without the microphone
12 and me speaking with it. So when you hear me say in the
13 course of trial to witnesses use the microphone, this is the
14 difference. You're going to hear the witnesses clearly. I
15 will insist on it. I can be very insistent so you will hear
16 the evidence.

17 As I said, there are essentially two kinds of
18 evidence. There is what we call direct evidence and what we
19 call circumstantial evidence. Direct evidence is direct proof
20 of a fact. An eyewitness says I saw it snowing, that is
21 direct evidence that it was snowing. The eyewitness is
22 testifying as to what he or she saw firsthand.

23 Circumstantial evidence, on the other hand, is proof
24 of facts from which you may infer or conclude that other facts
25 exist. If the eyewitness says I saw snow on the ground but

JURY SELECTION

1 that I did not see it snowing, from that you can logically
2 infer or conclude that had it in fact been snowing, despite
3 the fact that the witness did not see it snow.

4 I will give you further instructions on this at the
5 end of the case, but for the time being please keep in mind
6 that you may consider both kinds of evidence, the direct and
7 the circumstantial.

8 It will be up to you to decide which witnesses to
9 believe or not to believe. It will be up to you to decide how
10 much of a witness' testimony to accept or reject. I will give
11 you some guidelines for determining a witness' credibility at
12 the end of the case but again you are the ones to determine
13 whom to believe and whom not to believe because you determine
14 the facts.

15 Let's talk a bit about the burden of proof. The
16 defendant, as I told you earlier, has pled not guilty to the
17 charges against him. To convict the defendant the burden is
18 on the prosecution and solely on the prosecution to prove the
19 defendant's guilt of each element of the charge beyond a
20 reasonable doubt. This burden never, ever shifts to the
21 defendant because the law presumes the defendant to be
22 innocent and the law never imposes upon a defendant in a
23 criminal case the burden or duty of calling any witness or
24 producing any evidence. I say, again, and will say repeatedly
25 to you, the burden belongs solely, squarely and exclusively on

JURY SELECTION

1 the shoulders of the prosecution. In other words, the
2 defendant starts with a clean slate and he is presumed
3 innocent of each and every charge. It is only if you, the
4 jury, are satisfied the government has proven the defendant
5 guilty beyond a reasonable doubt and only at the end of all of
6 the testimony and all the evidence may a defendant be found
7 guilty, but each and every element of that charge must be
8 proven to you beyond a reasonable doubt. Because in order to
9 convict the defendant of a given charge, the government is
10 required to prove that charge beyond a reasonable doubt.

11 The question then is, what is a reasonable doubt?
12 What constitutes reasonable doubt? The words almost define
13 themselves. It is a doubt based upon reason. It is a doubt
14 that a reasonable person has after carefully weighing all the
15 evidence. It is a doubt that would cause a reasonable person
16 to hesitate to act in a matter in his or her personal life.
17 Proof beyond a reasonable doubt must therefore be proof of a
18 convincing character that a reasonable person would not
19 hesitate to rely upon in making an important decision.

20 A reasonable doubt is not caprice, nor is it whim.
21 It is not speculation, nor is it suspicion. It is not an
22 excuse to avoid the performance of an unpleasant, difficult
23 duty. The law does not require that the government prove
24 guilt beyond all possible doubt, proof beyond a reasonable
25 doubt is sufficient to convict, but it must be proof beyond a

JURY SELECTION

1 reasonable doubt.

2 If, after fair and impartial consideration of the
3 evidence, you have a reasonable doubt as to the defendant's
4 guilt with respect to a charge against him, you must find the
5 defendant not guilty of that charge. On the other hand, if,
6 after fair and impartial consideration of all the evidence,
7 you are satisfied beyond a reasonable doubt of the defendant's
8 guilt with respect to a particular charge against him, you
9 should find the defendant guilty of that charge.

10 The question of possible punishment of the defendant
11 is of no concern to the jury and should not in any sense enter
12 into or influence your deliberations. If you find the
13 defendant guilty beyond a reasonable doubt, then the Court and
14 the Court alone will deal with any issue of sentencing. The
15 duty of imposing sentencing rests exclusively upon the Court.

16 Your function is to weigh the evidence in the case
17 and to determine whether or not the defendant is, in fact,
18 guilty beyond a reasonable doubt. Doubt based solely upon the
19 basis of such evidence.

20 Under your oath as jurors you cannot allow
21 consideration of the punishment, which may be imposed upon the
22 defendant if he is convicted, to influence your verdict in any
23 way, shape or form, or in any sense to enter into your
24 deliberations.

25 Let me talk briefly a bit more specifically about

JURY SELECTION

1 this case. This is a simple, brief overview of the case and
2 I'm not yet going to cover all the legal issues or legal
3 principles. The instructions I give you at the conclusion of
4 the case will govern your deliberations. This overview, as I
5 said before, is meant only to give you a sense of the big
6 picture.

7 Members of the jury, the government has filed an
8 indictment charging Mr. Kasimov with conspiring and attempting
9 to provide material support to a foreign terrorist
10 organization. An indictment is simply the means by which the
11 government gives a defendant notice of the charges and brings
12 the defendant to court. The indictment is merely an
13 accusation and nothing more. It is not evidence and it is not
14 to be considered by you, the jury, in arriving at a verdict.

15 In response to the indictment the defendant has
16 pled, as I told you before, not guilty. The defendant is
17 therefore presumed to be innocent unless and until such time
18 as his guilt has been proven by the government beyond a
19 reasonable doubt to you, the jury.

20 The indictment in this case reads as follows: The
21 Grand Jury charges conspiracy in Count One, conspiracy to
22 provide material support to a foreign terrorist organization.

23 1. In or about and between August 2014 and
24 February 2015, both dates being approximate and inclusive
25 within the Eastern District of New York and elsewhere, the

JURY SELECTION

1 defendant Mr. Kasimov, together with others, did knowingly and
2 intentionally conspire to provide material support and
3 resources, as defined in Title 18, United States Code
4 Section 2339(a) (b), including services and personnel to a
5 foreign terrorist organization, to wit: The Islamic State of
6 Iraq and the Levant.

7 And Count Two states: The attempt to provide
8 material support to a foreign terrorist organization.

9 Paragraph two says: In or about and between August 2014 and
10 February 2015, both dates being approximate and inclusive
11 within the Eastern District of New York and elsewhere, the
12 defendant Mr. Kasimov, together with others, did knowingly and
13 intentionally attempt to provide material support and
14 resources as defined in Title 18, United States Code
15 Section 2339(a) (b), including services and individuals as
16 personnel to a foreign terrorist organization, to wit: The
17 Islamic State of Iraq and the Levant.

18 Now again charges, those charges are not evidence
19 and the burden of proof is on the government to prove each and
20 every element of the charges beyond a reasonable doubt against
21 this defendant. I will give you detailed instructions on the
22 law at the end of the case. Remember that the law comes from
23 me, not from the lawyers. I'm sure the lawyers understand
24 this and I'm sure the lawyers are not going to try to tell you
25 what the law is because I assure you the lawyers do not want

JURY SELECTION

1 me to interrupt them sternly and to remind them what their job
2 is, what my job is, although if they try to tell you what the
3 law is, I will interrupt them. So, therefore, you can be
4 comfortable that they won't do that.

5 As I previously instructed you, this is an anonymous
6 and partially sequestered jury. It is common practice in
7 federal court for the names and identities of the jurors to be
8 kept confidential. That means your names will not be known to
9 the public, the members of the press, to the parties in this
10 action or to the lawyers. Although there is no reason to
11 believe anyone on either side or the press or anyone else to
12 try to contact you about this case, it's an added precaution
13 and it protects your privacy. We will never ask you to state
14 here in court your name, address, telephone number, place of
15 business or any other personal identifying information. Of
16 course, the Court will know your names and addresses and
17 telephone numbers but I will use this information only if
18 there is a need to contact you because of some family
19 emergency or something else. I assure you that the Court will
20 not share that information with anyone else. As the Court I
21 will refer to you only by your juror number throughout this
22 trial.

23 The United States Marshal Service will escort you as
24 a jury to and from the courthouse daily to ensure a timely
25 start each day. As jurors, you will remain together during

JURY SELECTION

1 breaks and during lunch in order to ensure the trial continues
2 expeditiously. I promised you no more than two weeks, I am
3 going to stick to that promise. We will provide you lunch
4 daily so you do not need to leave the courthouse.

5 After we adjourn today, the marshals will convene
6 with you in the jury room, which is right behind here, to
7 discuss the logistics and assure no one except for you, the
8 jury, and the Marshals know these logistics.

9 Now, a few words about your conduct as jurors.
10 Please do not discuss the case with anyone. This includes
11 discussing the case in person, in writing, by phone or
12 electronic means via text messaging, email, Facebook, Twitter,
13 blogging, website, social media, the Internet or any other
14 features. If you have to tell someone, such as your spouse,
15 your significant other or your employer that you are on jury
16 duty, you're serving on a jury and the trial may last up to
17 two weeks, that's okay, but when they inevitably ask you what
18 the case is about or even the name and the nature of the case,
19 please tell them you are under strict instructions from a
20 judge who sounds a lot like Darth Vader not to discuss
21 anything, and I mean anything about the case. The reason for
22 this is serious and obvious and, that is, you must decide this
23 case solely on the evidence presented in this courtroom and
24 not on the basis of anything anyone who is not a member of the
25 jury and who hasn't heard the evidence may think about the

JURY SELECTION

1 case.

2 If you are asked or approached in any way about your
3 jury service or anything about this case, or if you're
4 concerned about anything about this case, you should respond
5 that you've been ordered by this judge not to discuss the
6 matter and you should report that immediately to the Court
7 Security Officer or the United States Marshal as soon as
8 possible. Do not wait. Tell the Court Security Officer or
9 the Marshal and he or she will tell me. And trust me, I will
10 make Lord Vader look like a wuss. I do not let anyone
11 interfere with my juries.

12 You must not try to access any information about the
13 case or do any research on any issue that arises in the case
14 from any outside source including dictionaries, reference
15 books or, goodness knows, anything on the Internet.

16 The lawyers in this case on all sides are excellent,
17 as you will soon see. Do not attempt to do their jobs for
18 them. They are all very good. In the event you see anything
19 in the media about this case, please turn away from it
20 immediately and pay it no heed. Your sworn duty is to decide
21 this case solely and wholly on the evidence presented in this
22 courtroom.

23 Please do not discuss the case even amongst
24 yourselves until all the evidence has been presented and the
25 case has been given to you for your deliberations. The reason

JURY SELECTION

1 for this is that evidence will be presented, as I'm sure you
2 know, one witness at a time and one exhibit as a time and it
3 is important that you keep an open mind until you've heard all
4 the evidence. You would not decide an Agatha Christie novel
5 on the basis of what you read in the first 10 pages or a
6 mystery on the basis of a character you meet in the first five
7 minutes, you wait until the entire matter is presented to you.

8 Do not take any notes during the trial. We have
9 excellent court stenographers, as you know, you've seen them
10 coming in and out, they're absolutely excellent. We have
11 excellent recording devices. If, in the course of your
12 deliberations at the end of the trial when you begin your
13 deliberations in the case, you decide as the jury that you
14 need to review testimony or documents again, the process is
15 very simple. You will have your foreperson of the jury send a
16 written note to the Court signed by the jury foreperson and I
17 will have it sent back to you in the jury room for your review
18 whatever evidence you need, whatever testimony you need will
19 be sent back to you in the jury room for your review. That
20 way you will all be on the same page.

21 If instead, you take notes and one person writes X
22 and one person writes Y, you can spend a lot of time fighting
23 about who takes the better notes and then we're all back in
24 junior high school fighting about whose notes to accept, so we
25 don't to do that. We have the world's best note takers and

JURY SELECTION

1 there won't be any question about what was said or what the
2 documents state. It is just better to ask for the actual
3 documents and the actual testimony rather than to have notes
4 taken that way there will be no doubt as to what was said and
5 there will be no confusion about that.

6 I will make sure, as I said repeatedly, and you will
7 see me do it, that the witnesses speak clearly, that the
8 documents admitted into evidence are legible. You don't have
9 to worry about that. You will hear me say to jurors if they
10 start to speak quickly -- to witnesses if they start to speak
11 quickly to slow down and to channel their inner Lord Vader
12 speech pattern rather than their inner Chris Rock or Woody
13 Allen or Annie Hall speech pattern. So when I say to them
14 "Vader not Annie Hall, not Chris Rock," I'm talking about
15 speech patterns. Trust me, you'll hear it and you'll
16 understand why I slowed them down. That way the court
17 reporter doesn't have to throw up his or her hands and say, I
18 can't take it down because you're going too quickly.

19 So before we begin, let me talk about the course of
20 the trial. Tomorrow each side will make an opening statement.
21 Remember that each opening statement is not evidence but only
22 an outline of what each party believes the evidence will show.
23 And I say again, remember the entire burden of proof is on the
24 government. The defendant need not prove anything. He does
25 not even need to take the witness stand at all.

JURY SELECTION

1 Next, the government will present its witnesses and
2 the defendant may cross examine them. Then the defendant will
3 have the opportunity to present any witnesses if he wishes to
4 do so, but he doesn't have to. If the defendant presents
5 witnesses the government may cross examine them. After that,
6 once all the witnesses have testified and the Court has
7 admitted into evidence everything that must be admitted into
8 evidence, each side will have the opportunity to present a
9 closing argument. And remember, the closing arguments are not
10 evidence.

11 I will then give you detailed instructions on the
12 law as you are to apply it in this case. You will then retire
13 to the jury room, which is conveniently located right behind
14 this courtroom, to deliberate your verdict. There are
15 restrooms, a sink, a refrigerator, it's really quite lovely.
16 We will continue to buy you lunch each and every day when you
17 are deliberating and, indeed, each and every day throughout
18 the trial. That way you do not have to leave until you've
19 reached a verdict.

20 We will take three breaks during the course of the
21 day. The first will be from 11 to 11:15 a.m.; the second will
22 be for lunch which will be from 12:30 to 1:45 p.m. As I said,
23 the lunch will be provided to you. The third will be from
24 three to 3:15 p.m. We will adjourn each day promptly at 5
25 p.m. and I mean each day promptly at 5 p.m. I don't care what

JURY SELECTION

1 the lawyers are in the midst of saying, we're going to adjourn
2 at 5 o'clock. You see that big clock over there, you will
3 hold me to it. Because when it gets to be five to five you're
4 going to look at me and say, okay, Judge, did you really mean
5 it? Your eyes will be very clear to me. I've told the
6 lawyers we're stopping them at five every day, ruthlessly. In
7 a kind and gentle way, but ruthlessly at five. Therefore, we
8 will adjourn each day at 5 p.m. and we will begin every day
9 9:30 a.m. sharp.

10 When you are meeting Marshals, you will arrive at
11 the courthouse in a timely fashion. I ask that you please not
12 be late. We cannot start without each and every one of you.
13 Please do not make us wait.

14 I thank you for your attention, and because both
15 parties have agreed to do opening statements tomorrow morning,
16 I'm going to violate my 5 o'clock rule and tell you we are
17 adjourning early today.

18 The Marshals and Court Security Officers will now
19 direct you to the jury room and we'll discuss with you the
20 transportation logistics.

21 Have a good afternoon, we'll see you tomorrow
22 morning at 9:30 a.m. sharp.

23 You can leave your paddles here on your seats my law
24 clerks or court deputy will pick them up. So thank you.

25 Thank you very much, ladies and gentlemen of the

PROCEEDINGS

1 jury. See you tomorrow.

2 (Jury exits courtroom.)

3 THE COURT: You may be seated. The jury has left
4 the courtroom. Counsel and parties are still present.

5 Are there any logistical issues we need to discuss
6 today outside the presence of the jury?

7 MS. SHARKEY: Judge, we'd --

8 THE COURT: From the government first. Anything?

9 MR. PRAVDA: Nothing from the government.

10 THE COURT: Defense counsel.

11 MS. SHARKEY: Judge, we've been alerted to --

12 THE COURT: I'm sorry just keep your voice up please
13 and make sure the little green light is on.

14 MS. SHARKEY: We've been alerted to three witnesses
15 that the government anticipates will be testifying tomorrow.

16 THE COURT: Hang on. These are witnesses who are on
17 that list that I read of names I hope, yes.

18 MS. SHARKEY: Yes.

19 THE COURT: Go ahead.

20 MS. SHARKEY: We ask if anybody else is testifying
21 tomorrow and who they anticipate for Wednesday.

22 THE COURT: Okay, when I was in private practice for
23 33 years, I hated it when judges said to me, who are you
24 calling next and what do you anticipate? I loved it when
25 judges did that to my adversary and I promised that when I

PROCEEDINGS

1 became a judge, if that ever happened, I would never burden
2 either side of lawyers with saying, who you going to call, how
3 long is it going to take, what do you anticipate. Because you
4 do not know how long your cross examination is going to be and
5 you don't know how long the direct is going to be and I didn't
6 and don't do it in civil cases and I'm not going to do it
7 here.

8 The government will call their witnesses and they'll
9 take as long as they need. Your cross will take as long as
10 you need but I don't put anybody in a straight jacket on
11 either side. So if they want to tell you, cool. But I'm not
12 going to make them tell you because I don't think it's
13 appropriate to burden counsel on either side with that.

14 I know about planning issues, but I will tell you
15 one autobiographical story from my first trial as a first year
16 associate for the senior partner who was representing a major
17 bank and it came to a point when he said my next witness is
18 the controller of an outfit that shall remain nameless and
19 they are having their annual meeting. We'll just call the
20 outfit CitiCorp and the judge, who shall remain nameless,
21 we'll just call him the late Chief Judge Charles Bryant of the
22 Southern District, said to the lawyer, who shall remain
23 nameless, we'll just call him Clarence W. Olmstead Jr, he said
24 my jury is more important than Citibank's annual meeting, so
25 you tell Mr. Donald H. Howard, to make up a name, that he is

PROCEEDINGS

1 to get on the subway in midtown, not to take the corporate
2 limo and he is to be here in 20 minutes or I'm entering a
3 default judgment against your client. Fifteen minutes later
4 Mr. Howard was in the jury -- was in the witness box. Judge
5 Bryant said something about the eagle behind him with the
6 talons, the talon of peace and the talon of war, the 13 arrows
7 representing the original 13 colonies, and the peace olive
8 branch. That was the last time I thought about not having
9 witnesses available and the first time I thought about delay
10 of the process for the jurors. I think that was 1978 before
11 most of you were born. So I just thought I would throw that
12 little autobiographical bit out there, not so much for the
13 defense counsel but for the prosecution to realize that you
14 have your next witness or you rest.

15 Anything else I can help you with on witness order?

16 MS. MACEDONIO: No, thank you, Your Honor.

17 MS. SHARKEY: No, Judge.

18 THE COURT: All right. Anything else?

19 MS. MACEDONIO: No, thank you.

20 THE COURT: Anything else?

21 MR. PRAVDA: Nothing else. Thank you, Your Honor.

22 THE COURT: Have a wonderful evening. See you
23 tomorrow. We'll start at 9:30 promptly.

24 (Whereupon, the trial adjourned at 4:30 p.m. to
25 resume Tuesday, September 17, 2019 at 9:30 a.m.)